United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158 WASHINGTON, WEDNESDAY, MARCH 21, 2012 No. 47

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. ELLMERS).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 21, 2012.

I hereby appoint the Honorable RENEE L. ELLMERS to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, 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 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

WORLD WATER DAY

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

Mr. BLUMENAUER. Madam Speaker, for many, tomorrow is just an ordinary Thursday, like any other day. But for hundreds of millions of people who lack access to clean water and billions who lack access to adequate sanitation, this ordinary Thursday is part of the daily struggle.

But this Thursday is World Water Day, where those of us fortunate enough to live in developed countries are encouraged to reflect on just how fundamental freshwater is to our health, our children's well-being, and how much we take for granted. We've never had to try to work that hard to find drinking water. We don't have to choose between drinking dirty water and going thirsty. For many of us, freshwater is so safe, abundant, it's hard to even imagine life without it.

But on this World Water Day, we should reflect that every 20 seconds a child dies needlessly from waterborne disease. Today, and every day, women will spend 200 million hours collecting water. This week, 3 million students will miss school because they lack access to clean water or sanitation. Indeed, half the people who are sick around the world today are sick needlessly from waterborne disease.

There is a vision, there is a knowledge to do something about it, but, sadly, we don't have the resources, and we actually don't have the plan. The United States does not only have an obligation to do the right thing and save lives, but it's also in our self-interest to provide access to safe water.

United States security experts testified before this Congress that water problems will contribute to the instability in states important to United States national security interests.

With all the problems the world faces, Congress needs to prioritize programs that deliver the highest return on investment with substantial multiplier effects. And when it comes to foreign assistance, increasing access to clean water is perhaps the most effective use of taxpayer dollars. The World Health Organization estimates that up to $34 is saved for every dollar invested, saved from health care costs and resulting in increased economic productivity.

Indeed, it affects other efforts of our aid. We're involved with trying to eradicate diseases like HIV/AIDS and tuberculosis, but taking the medicine with dirty water compounds the problems in terms of diarrheal diseases that result from that dirty water.

Madam Speaker, since we've passed the Water for the World legislation 7 years ago, where Chairman of the Foreign Relations Committee Henry Hyde, Senator REID, and Senator Frist were my partners, we've increased our leadership globally. We owe a debt of gratitude to Secretary Clinton, who has made water a cornerstone of her work while at the helm of the State Department. But we do need to do more; and one simple step, an area where we find broad bipartisan support, is the Water for the World Act that is cosponsored with my friend and colleague from Texas (Mr. POE).

This legislation strengthens the capacity of USAID and the State Department, increases aid effectiveness, transparency, accountability for sanitation water and hygiene, and it has no net cost, according to the CBO.

I strongly urge my colleagues to cosponsor this legislation and hope that we can move it forward in this Congress, as there has been movement in the Senate. Millions of lives will be transformed.

JOSEPH KONY AND THE LORD'S RESISTANCE ARMY

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

Ms. ROS-LEHTINEN. Madam Speaker, I would like to begin my remarks by commending all the citizens and young students in my congressional district and, indeed, throughout the country who have worked so hard to raise awareness about Joseph Kony and his brutal crimes. As we can see in this poster, there's Kony, and these are just a few of the photos of so many innocents who have been mutilated by Kony and his thugs.

Printed on recycled paper.

Joseph Kony is a mass murderer, whose campaign of violence against innocent civilians spans decades. The predatory forces doing his bidding are known as the Lord's Resistance Army, or LRA, and they have perpetrated some of the worst human rights abuses of our time.

Under the direction of Kony, the LRA has murdered, raped, mutilated, and abducted tens of thousands of innocent people, many of whom are children. They target remote villages, butchering civilians, abducting women and children to serve as sex slaves and fighters. Kony's bloody reach now extends to the Democratic Republic of the Congo, the Central African Republic, and the newly formed Republic of South Sudan.

One measure that we could accomplish would be for the U.N. peacekeeping missions in the region to more effectively coordinate their actions and share information related to Kony and the LRA, because this is a threat that crosses many international borders.

I'd like to thank my colleague, Congressman ED ROYCE, for introducing a new bill, H.R. 4077, which I proudly support. H.R. 4077 would authorize the Secretary of State to use the State Department's Rewards Program to gain intelligence and strengthen the capacity of those who are actively engaged in fighting transnational organized crime and also apply it to the search for Kony and the LRA.

This program has served as a valuable incentive for those with crucial information to come forward and help round up foreign nationals wanted for a range of brutal crimes and activities that threaten regional and global security and stability and U.S. national security interests. It will be an important tool in helping bring Kony and his circle of thugs, the Lord's Resistance Army, to justice.

I'd also like to thank Congressman JIM MCGOVERN for introducing House Resolution 583, of which I am also a proud cosponsor. Mr. MCGOVERN's resolution echoes current law and puts the House on record in strong support of U.S. efforts to counter the Lord's Resistance Army. It urges the President to work closely with Congress to address critical gaps in U.S. strategy and to enhance U.S. support for the regional measures already there to fight the Lord's Resistance Army.

As we have seen over the past 25 years, Kony's assault on innocent lives has no limits. Now is the time to help bring Joseph Kony and his fellow criminals to justice. As a Nation, let us assure that we have done all that we can to end this ongoing tragedy and hold this evil man accountable for all of his crimes.

I thank all of the young people throughout my district who have communicated through Twitter and Facebook and different modes of social media to express their outrage over Kony's evil deeds; but now, let's take action. Let's pass these bills.

□ 1010

BRING PEOPLE TOGETHER

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

Mr. GUTIERREZ. Last Thursday, a different kind of March madness took place in the NCAA basketball tournament. In a game between Kansas State and Mississippi State, Angel Rodriguez, a Puerto Rican point guard for Kansas State, was met with taunts from Mississippi State students while he was getting ready to shoot a free throw. The taunt: ''Where's your green card?''

That wasn't the only March madness. Earlier this month in San Antonio, Texas, a white high school in San Antonio chanted during the regional basketball championship trophy presentation. Their chant: ''USA, USA, USA.'' Why did they chant USA? Because their team had defeated San Antonio's Thomas Edison High School, a team of mostly Latino players.

One U.S. citizen asked to produce his green card, one entire team of Americans taunted as if they were foreigners.

These young people, subjected to hatred and bigotry, handled it well.

Angel Rodriguez ignored the taunts and played a great game. If he hadn't been busy helping Kansas State win the game, he might have mentioned to everybody that he was from Miami or that all Puerto Ricans are citizens of the United States.

I'm impressed that the kids from Thomas Edison High School kept their cool. They deserve our praise not only for being good basketball players, but just for being great kids.

Mississippi State and Alamo Heights have apologized for the taunts. That's an important step in the right direction. That's not the issue. The issue is why people think it's okay to treat Latinos as if they are second-rate Americans, why so many people think being Latino means being a suspect in our own country, why they look at a young man named Rodriguez and think he doesn't belong in this country. It's because misguided kids taunting Latinos is not really the disease. It's the symptom.

The heart of the sickness is more troubling. The truth is, when it comes to Latinos and immigrants, far too many so-called leaders in our Nation are starting the taunts.

On the campaign trail and on talk radio and on TV, and even here in this Chamber, there are leaders that act like the biggest bullies in the schoolyard. If elected officials have no boundaries when it comes to scapegoating and demonizing immigrants and Latinos, then why should young people at a basketball game know any better? Why does an American, a Puerto Rican citizen basketball player, get taunted about a green card?

It's easier to understand when you hear the frontrunner for the Republican nomination of President promoting a national immigration policy that makes all Latinos look like suspects and all immigrants look like criminals.

Mitt Romney has said that Arizona's anti-immigrant law—a law that essentially demands racial profiling of anyone who looks like they might be undocumented—is a model for our Nation. But that's not all Mitt Romney has said to American Latinos. He has said all 11 million immigrants, most of them Latinos, should self-deport, even if they've lived here since they were children and have American citizen families.

Mitt Romney has even gone as far to attack the first Latino Supreme Court justice. He believes that Justice Sotomayor is unqualified to serve on the Supreme Court. He's proud of the support of anti-immigrant extremists, including the author of Arizona's anti-immigrant law. He has attacked the DREAM Act, a perfectly reasonable bill. And Mitt Romney is hardly a lone voice. It is sad.

One Member of this House said he would be for any measure to stop illegal immigrants ''short of shooting them.'' Even hanging them? gassing them? One other colleague of ours here called undocumented immigration a slow-rolling, slow-motion terrorist attack on the United States.

Pat Buchanan wrote a book entitled ''State of Emergency: The Third World Invasion and Conquest of America.'' Folks like Buchanan and Limbaugh regularly use words like ''hordes'' and ''swarms'' to describe immigrants.

Maybe Mitt Romney thinks he's just saying what he needs to say to get the Republican nomination, and maybe some elected officials think their extreme rhetoric doesn't really carry outside the Halls of Congress. But America knows better. So does a group of Kansas State basketball players and a group of good kids from San Antonio, Texas. They know that words matter very much.

Here's my advice to the Romneys and the Buchanans of the world and a few of my colleagues here in the House: Instead of bullies, why don't you be leaders? And why don't you try some words that bring people together instead of insults that tear our Nation apart.

A THREAT TO OUR HEALTH CARE

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

Mr. WALBERG. Madam Speaker, this Friday, March 23, marks the second anniversary of President Obama's health care law after 2 years. It's clear the law has already left more victims in its path than people it was meant to help. And unfortunately, along with the 20 million employees who will probably lose employer-sponsored health care, it may be our seniors who take the hardest hit.

Millions of seniors and disabled Americans rely on Medicare, yet the

program is in danger. According to the Centers for Medicare and Medicaid Services, with the baby boomer generation about to retire, if nothing is done to the program, the program will be bankrupt in 10 years.

Instead of making Medicare stronger through transparent and responsible reform, the President has decided to cut more than $500 billion from the program, money which will then be used to fund his new health care law.

If taking nearly half a trillion dollars from the already crippled program weren't bad enough, the President has handpicked a special panel to slash away at the program even more. He knows our country is facing a budget shortfall. Instead of implementing responsible and transparent reforms, the President wants to take away benefits from Medicare recipients to fund his agenda for new entitlements.

The panel, known as the Independent Payment Advisory Board, or IPAB, is a group of unelected and unaccountable bureaucrats who will essentially be given power to ration care and even deny seniors lifesaving treatments. Its members are not required to hold public hearings or disclose their meetings. Their salaries will be paid directly out of trust funds used to pay Medicare beneficiaries' health care claims.

Worse yet, doctors and patients can not challenge the IPAB's decision in court. Without a three-fifths majority in both Chambers, Congress has no power to change decisions. While this select group rakes in the perks, it will be the seniors left holding the short end of the stick.

The health care law—and IPAB in particular—will threaten their access to quality care. Medicare is already known for its low reimbursement rates. Physicians receive about 20 percent less from Medicare than private health plans, forcing many to stop accepting patients just to stay in business. Seniors will be left with fewer options, and they may even be told they can no longer see their own doctors.

That's why, when I talk to seniors in my district, they are scared of this law. They're worried about being left with fewer options; they are worried about not being able to see their own doctors; and they are worried about the government cutting even more from the program. It's not just in my district where this concern is prevalent. According to a recent nationwide poll, 60 percent of our Nation's seniors have an unfavorable view of the law.

Access to quality care for seniors should be a top priority and will remain so with me. I believe health care decisions should be made by patients, families, and their doctors, and not by bureaucrats in Washington, who are burdening seniors and future generations with less choice, fewer services, and more debt.

House Republicans remain committed to strengthening and reforming Medicare to protect today's seniors and to make sure the program is still there for the next generation.

MONICA PEARSON

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. DAVID SCOTT) for 5 minutes.

Mr. DAVID SCOTT of Georgia. Madam Speaker, ladies and gentlemen of the Congress, Monica Pearson, with WSB Television in Atlanta, Georgia, is indeed a true pioneer and a trailblazer in television news. She broke barriers as an African American and as a woman news anchor for WSB Television starting in 1975.

The year 1975 was an important turning point, especially in the South. So it is very important for us to understand the significance of Monica often appearing as a nightly anchor, as the first African American and first woman in the South at WSB Television in 1975. Now, 38 years later, Monica is retiring.

Monica Pearson brought a special talent, a sparkling personality, hard work, and a high nobility of purpose that appealed to everybody, to people of all races, and she became endeared to everybody from every walk of life. What a great American story is Monica Pearson.

She paved the way for other African Americans and women to become news anchors and to become television journalists throughout the South. So it is most fitting as she announces her retirement that we gather here today on the part of the United States Congress to give her this special commendation. We also give a special commendation to WSB Television and Cox Enterprises management for making that critical decision at that important time in the history of the United States. Because of her talent, because of her hard work, we in the Congress of the United States recognize with high distinction an outstanding American: Monica Pearson, an outstanding American.

Madam Speaker, Monica Pearson is a familiar face to metro Atlanta's residents, though most know her by her former name—Monica Kaufman. For the past 37 years, Monica has anchored WSB–TV's Channel 2 Action News. The character and amount of trust she has built as Channel 2's nightly newscaster is laudable, but perhaps more important are the barriers she broke as she developed that reputation. Born and brought up in the Civil Rights era, Monica became not only the first African-American, but also the first woman to anchor a daily evening newscast on WSB in 1975.

Throughout her long career, Monica has accumulated an even longer list of awards and achievements. All in all, she has won thirty Local and Southern Regional Emmy awards. When she saw injustice or a story that needed to be heard, she was there reporting on it—first at the 6 pm and 11 pm segments, and later at 4 pm. Her hard-hitting investigative journalism cuts at all different issues. In 1992 she spoke out on behalf of women and girls in Georgia when she found out that the Georgia High School Association's all-male executive committee did not have a state-wide competition for girls' soccer or cheerleading. She was awarded the Women's Sports Journalism Award for Local Television Reporting from the Women's Sports Foundation and Miller Lite for her report.

Monica has been honored for bringing attention to a wide range of issues—from the "HOT FLASH! The Truth about Menopause" documentary that won local and national awards in 1994 to the "Prejudice and Hate: Georgians and the Holocaust" documentary that lead to win the Georgia Commission on the Holocaust's Humanitarian Award in 1977. Her sense of civic duty, compassion and curiosity has distinguished her from her peers, winning an Emmy Award for Best Feature Program—"Monica Kaufman Closeups", the National Foundation for Women Legislators' "Media Excellence Award" and the Georgia Commission of Women's "2004 Georgia Woman of the Year".

While devoting her life to journalism, she has also deeply involved herself in the community. She remains a passionate supporter of the Metropolitan United Way, the organization that helped her move beyond her poor background to become an award-winning newscaster. Since then, she has served as Chair of Atlanta's United Way board, the first African-American and only the second woman. Her dedication to the organization might be due in no small part to the fact that her daughter was adopted through a United Way agency. In her own words, "United Way literally unites people."

United Way is not the only organization that has touched Monica's heart. For many years, Monica ran in the Susan G. Komen's Race for the Cure. She continued to run in the race and volunteer for the organization until the year she herself was diagnosed with breast cancer. Her reaction to this cancer is a story that truly touched my heart. A very religious woman, Monica did not let fear cripple her—instead she left everything to God. She prayed, "Thy will be done, O Lord, not mine." "If you are really strong in your faith, then you don't worry about the outcome", she said. The outcome is obvious—Monica remains to this day a strong, dedicated woman. She is both an inspiration and a role model. Monica will be retiring in July, but I know her character, personality and spirit will not let her keep still. I wish her the very best in her future endeavors, and may we continue to hear of her excellent work for her community. God Bless.

□ 1020

IN RECOGNITION OF MONICA KAUFMAN PEARSON

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

Mr. GINGREY of Georgia. Madam Speaker, you will notice that Members from Georgia on both sides of the aisle have taken the opportunity this morning during Special Orders time to recognize Monica Kaufman.

We just heard from our colleague, Representative DAVID SCOTT. I want to commend my friend DAVID SCOTT for organizing this tribute on behalf of one great lady.

I rise today, as well, to recognize Monica Kaufman for her historic and outstanding achievements in broadcast journalism. Atlanta is sad to see her resigning from WSB; but we are very, very proud of her.

For the past 37 years, she has brought Atlanta the news, from her coverage of the 1996 Olympics, to her famous ''Monica Kaufman's Closeups'' of world leaders and celebrities,'' to her award-winning work on issues such as the Holocaust and domestic abuse.

As the first woman and African American news anchor in Atlanta, Ms. Kaufman broke both race and gender barriers. She has won more than 30 Southern and local Southern Regional Emmy Awards for talent, reporting, and close-up interviews. Ms. Kaufman has already been named University of Georgia's Broadcaster of the Year in 2001 and the Georgia's Association of Broadcaster of the Year in 2001 and the Georgia Association of Broadcasters 1992 Citizens Broadcaster.

Madam Speaker, I will always remember, however, one evening in July 2002—it was actually November of 2002—when I was first running for Congress. That election night was a very, very close race. It went deep in the night; and finally, at about 11 o'clock, it was news time at WSB. Sure enough, I had to go downstairs and get ready to be interviewed by Monica Kaufman in regard to my race for Congress.

At this point, we were behind. All counties except one had reported, and I was behind. Monica was very sweet and kind to me. She could tell that I was a little nervous and worried and scared. She said, Have you picked up your phone yet to congratulate your opponent on your victory? I said, Monica, I won't do that until the last vote is counted. Shortly after that, I got a phone call telling me congratulations. Finally, those precincts came in, and Dr. GINGREY, from the 11th District in Georgia, was elected.

I always remember Monica Kaufman from that night. I ask Members to recognize the accomplishments of the great Monica Kaufman.

MONICA KAUFMAN PEARSON

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

Mr. BISHOP of Georgia. I am honored to join my colleagues in the Georgia delegation in paying tribute to one of our Nation's most tenured and preeminent broadcast television news anchors, Monica Kaufman.

For more than 30 years she served as the Channel 2 ''Action News Nightbeat'' anchor at WSB-TV in Atlanta where she used her superior media talents to educate, inform, and enlighten millions of viewers about current events that impacted our lives and influenced activities all around the world. Prior to becoming one of Atlanta's most watched and influential television journalists, Monica worked as a reporter at the Louisville Times and at WHAS-TV in Kentucky.

Madam Speaker, Monica is an award-winning journalist who has been recognized on numerous occasions for her outstanding professional abilities and remarkable occupational achievements. However, she is much more than just an accomplished journalist. She is a loving wife, mother, mentor, friend, and role model to me.

I would like to extend our personal congratulations to Monica Pearson and her family as they celebrate and reflect upon her outstanding career as one of our Nation's leading broadcast journalists and admired media personalities. Kentucky may have named her, but Georgia claimed her, and we are all better because she came our way.

Congratulations to you, Monica Kaufman Pearson.

CAPTAIN NICK WHITLOCK

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

Mr. WESTMORELAND. Madam Speaker, I come to the floor this morning with great sadness and also with great honor to honor the service of one of Georgia's own, Captain Nick Whitlock. On February 18, 2012, at Camp Lemonnier in Djibouti, Africa, he gave the ultimate sacrifice while returning from a mission in support of Operation Enduring Freedom.

Captain Whitlock was born to the proud parents of Jimmy and Clare Whitlock on December 10, 1982. Even at a young age, Nick showed his maturity and that he was full of integrity. In one of his high school assignments, Nick was asked to define a leader. He wrote:

> A leader is a person that is in charge of a group, someone that everyone looks up to and wants to be like. A leader is also someone that is willing to complete their goals and give 100 percent no matter what. A leader is willing to stand up for what he believes in even if he is alone. I want to be a leader because I think that is what God has called me to be.

For the young people that might be watching, we're always looking for a hero, and I think that Nick decided in his life that he would be a hero.

Nick lived by his own words, and to say he was a leader was an understatement. He understood that success is achieved through hard work, faith, and dedication, and he lived every day as an opportunity to improve himself and the lives of others.

□ 1030

Nick graduated from Newnan High School in 2001 as an honor graduate and was recognized for his outstanding achievements in both football and baseball. Nick achieved his Eagle Scout rank and strove to use the skills he learned to influence every aspect of his life.

He attended Mercer University, and he caught for the Mercer Bears baseball team. Most notable of Nick's many campus activities were his leadership roles as Mercer ambassador; president of his fraternity, Sigma Alpha Epsilon; and senator-at-large for the student government association. In 2005, Nick graduated with a bachelor of business administration degree; and in 2011, he went on to earn his master's degree in business administration from the University of Florida.

While studying at Mercer, Nick earned his private pilot's license and was accepted into the United States Air Force in 2006. Nick trained with the Euro-NATO Joint Jet Pilot Training program. In 2008, he received his wings and was assigned to the Air Force Special Operations. He became a member of the 34th Special Operations Squadron, which we have all heard about in the paper and on the news, and was promoted to captain in November of 2010, where he was assigned to the U–28A aircraft.

November proved to be one to celebrate, as Nick married the love of his life, Ashley, the same month as his promotion. Nick spread the happiness he found in both his marriage and life through his involvement with organizations such as Alaska's Healing Hearts, a nonprofit organization enabling disabled military veterans to participate in outdoor activities.

Nick was serving on his fifth deployment in Djibouti, Africa, when an accident occurred while his aircraft was returning from a mission, taking not only his life but three of his fellow comrades. Nick was laid to rest at Forest Lawn Cemetery in his hometown of Newnan, Georgia, following a heartfelt ceremony at First Baptist Church.

Friends of Nick's say he made them proud to be an American and to want to become a better man of God and a better father, better husband, a better son. His wife, Ashley, described Nick as loving, thoughtful, honest, considerate, and generous. He was a true gentleman and a steadfast man of God. They both prayed for God to shape their lives for His purpose so that their blessings would not stop with them but extend to everyone they met.

His parents' love and pride for Nick's unwavering faith, integrity, and intelligence is never ending. They talk often of how, although he was never the smartest, biggest, or fastest, he used every ounce of what he was given to his highest potential. He was physically strong, mentally awake, and morally straight. In the eyes of his wife, family, and friends, there was no finer man or leader than Nick Whitlock.

I am both honored and proud that a soldier from my district served with such courage and conviction. Nick embodied all the qualities of an ideal husband, son, brother, and friend. He was an extraordinary captain, and America has truly lost one of its finest. I am proud to stand here and thank him for sacrificing his life so that my family and I, and everyone else across this great Nation, can live free.

Joan and I extend our deepest sympathies to the family and friends of Nick Whitlock's, and we will never forget the service and sacrifice that he made for our great country.

Nick, we miss you. And until we meet again in the presence of our Lord, I want to use a nice Southern saying: Nick, you done good. Thank you, sir.

NATIONAL TRANSPORTATION POLICY

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

Mr. DEFAZIO. This is a photograph from 1956, before we had a national transportation policy in the United States of America; and if the Republicans are successful with their budget and with their vision, this will be the future for the United States of America.

There are a substantial number of Republicans on that side who have drunk the Kool Aid of a guy named Grover Norquist, who says that he wants government so small, he can strangle it in the bathtub, and that we should devolve—devolve—this is interesting—not evolve—devolve transportation to the States. That's right. Our national transportation policy will be set by the 50 different States.

Well, this is 1956, before we had a national transportation policy. This is the brand spanking new Kansas Turnpike. Isn't that beautiful. Well, look where it ends—in a farmer's field in Oklahoma because Oklahoma chose not to build its section, which they had promised to build. That's the way things used to be, and that's the way they want things to be again.

We're now on the precipice of basically walking away from investing in our Nation's infrastructure. There are 150,000 bridges that need replacement or repair in the national system; 40 percent of the pavement needs total replacement, not just an overlay. We have a $70 billion backlog in our 19th- and 20th-century transportation systems in our major urban areas, in our transit. And that's not even talking about building an efficient 21st-century transportation system to deliver people and goods more efficiently.

And what's their proposal? A 31 percent cut in an already inadequate budget or maybe no money at all. Actually, it's a bit odd. Mr. RYAN's budget, according to the Congressional Budget Office, would not be enough to fund the uncontrollable outlays, i.e., projects already under way by the States for which the Federal Government has contracted to reimburse at the end of the construction of these projects. His budget wouldn't even meet that number. And in terms of authorizing the bill, they decided for the first time in history to make this a partisan issue.

Dwight David Eisenhower, a Republican President, he came up with the idea of a national transportation network. Ronald Reagan put transit into the highway trust fund. They want to take out Ronald Reagan's step of putting transit in the highway trust fund as an interim step before they do away with the program altogether. That's pretty extraordinary stuff. Their vision is that we will go back to this state of affairs in America. We cannot afford that.

Next week or the week after, the temporary highway funding expires. The Senate has passed a bipartisan bill by an overwhelming majority. The Republican leadership has threatened that their right-wing devolutionists will do away with Federal transportation by saying, We might make you vote on that Senate bill. That passes for a threat in the Republican Caucus. We might make you vote on a good bill that would continue the current system with some improvements for a couple of years—that's what passes for a threat—unless you vote for our crazy H.R. 7, which does away with transit funding and basically dismantles the program over a longer term, or the Ryan budget, which would immediately end the program next year.

But they won't let us vote on that because they know that a bunch of Democrats—just like in the Senate, where Democrats and Republicans came together with an overwhelming majority and passed a transportation bill, they know that would happen here. So they got 80 or so ultraright-wingers who wouldn't vote for it. Big deal. I could match that with 150 Democrats, and we could have a bipartisan bill next week, putting millions of Americans back to work, rebuilding the crumbling infrastructure in this country. But instead, they want to devolve us back to the future.

Smaller government. Smaller government. Yes, that's great, guys. A transportation policy for the United States of America, competing in a world economy, set by the 50 States without funding. What a great vision.

WORLD DOWN SYNDROME DAY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) for 5 minutes.

Mrs. MCMORRIS RODGERS. Madam Speaker, I rise today, on March 21, a very special day, to celebrate the many contributions of those with Down syndrome, also known as trisomy 21. Today, March 21, has been officially designated by the United Nations as World Down Syndrome Day. The date is significant in and of itself because the origins of Down syndrome and the underlying cause is a duplicate 21st chromosome. We are all born with 23 pairs, an X and a Y. Those with Down syndrome have an extra 21st—therefore, three and 21. And today is March 21. The reason it's called Down syndrome is because these characteristics were discovered by a doctor by the name of Dr. Langdon Down. He had a wonderful heart, a caring heart, for those with disabilities; and, therefore, we call it Down syndrome today.

Five years ago, my husband, Brian, and I gave birth to a beautiful little baby boy whose name is Cole, and he was born with that extra 21st chromosome. Cole has given me a whole new perspective for being a mother and also for being a Member of Congress. Cole's birth has given me a whole new purpose for serving in Congress, and he reminds me every day of the significance, the tremendous positive impact that every single person has on this world. And the fact that he has Down syndrome today only makes me more curious as to the impact he's going to have both on our lives and this world. He is an inspiration, and he makes me a better person.

Through Cole, I've been introduced and welcomed by the disabilities community, a wonderful group of people in America who every day also celebrate the tremendous impact and the potential of every life in this world.

□ 1040

I find myself grateful to so many who have walked this path before me and have improved the opportunities that Cole, as well as anyone with disabilities, is going to have. Today, there's greater opportunities through early intervention, education, advanced education, and lots of opportunities for independent living. However, there's so much more that needs to be done, and so today is my turn to help carry the baton to help work to unleash the potential of all those living with disabilities.

I'm proud to cochair the Congressional Down Syndrome Caucus with Representative PETE SESSIONS, Representative CHRIS VAN HOLLEN, and Delegate ELEANOR HOLMES NORTON. We are committed to working on policies that are going to enhance the quality of life for those living with Down syndrome and other disabilities. It's within the walls of Congress that we will do just that. We're working to pass legislation, hold briefings, and promote policies that will help those with Down syndrome all across the country.

So today is World Down Syndrome Day. A few minutes from now at the United Nations headquarters there's going to be a poem read. It's called, ''Welcome to Holland.'' The author is Emily Perl Kingsley. I thought I wanted to read it to all of you today.

WELCOME TO HOLLAND

I am often asked to describe the experience of raising a child with disability—to try to help people who have not shared that unique experience to understand it, to imagine how it would feel. It's like this:

When you're going to have a baby, it's like planning a fabulous vacation trip—to Italy. You buy a bunch of guidebooks and make your wonderful plans: the Coliseum, the Michelangelo David, the gondolas in Venice. You may learn some handy phrases in Italian. It's all very exciting.

After months of eager anticipation, the day finally arrives. You pack your bags and off you go. Several hours later, the plane lands. The stewardess

comes in and says, ''Welcome to Holland.''

''Holland?'' you say. ''What do you mean, Holland? I signed up for Italy. I'm supposed to be in Italy. All my life I've dreamed of going to Italy.''

But there's been a change in the flight plan. They've landed in Holland and there you must stay.

The important thing is that they haven't taken you to a horrible, disgusting, filthy place, full of pestilence, famine, and disease. It's just a different place.

So you must go out and buy new guidebooks, and you must learn a whole new language, and you will meet a whole new group of people you would never have met.

It's just a different place. It's slower-paced than Italy, less flashy than Italy. But after you've been there for a while and you catch your breath, you look around, and you begin to notice that Holland has windmills and Holland has tulips. Holland even has Rembrandts.

But everyone you know is busy coming and going from Italy, and they're all bragging about what a wonderful time they had there. And for the rest of your life you will say, ''Yes, that's where I was supposed to go. That's what I had planned.''

The pain of that will never, ever, ever, ever go away because the loss of that dream is a very, very significant loss. But if you spend your life mourning the fact that you didn't get to go to Italy, you may never be free to enjoy the very special, the very lovely things about Holland.

SUDAN: STOP USING FOOD AS A WEAPON OF MASS STARVATION

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

Mr. MCGOVERN. Madam Speaker, in about 6 weeks, the rainy season will begin in Sudan. Villagers will no longer be able to plant or harvest their crops. The roads will become impassible. It is the time of the year when people live off their harvests, their orchards, and the land. But there is no food in the states of South Kordofan and Blue Nile inside Sudan—not because of drought, not because locusts have destroyed the crops. No, Madam Speaker. This is a deliberate, man-made catastrophe created by Sudanese President Bashir.

For months, Khartoum has been launching rockets and dropping bombs on villages and fields throughout South Kordofan and Blue Nile. The people of the Nuba Mountains, primarily of black African descent, cannot work their fields for fear of being bombed. They hide in caves as bombers and helicopters fly overhead. Rockets bombard their villages. Sudanese soldiers march into their villages, killing, raping, setting fire to their homes, carrying out a ''scorched earth'' policy.

The people of South Kordofan and Blue Nile are already suffering from malnutrition and a severe shortage of food. Thousands are fleeing south, crossing into the newly independent nation of South Sudan, setting up refugee camps along the northern borders. Mainly women and children, they arrive traumatized, exhausted, and malnourished.

President Bashir has denied humanitarian access to South Kordofan and Blue Nile for the delivery of desperately needed food aid. He wants no witnesses to his deliberate use of mass starvation as a weapon against his own people. And the clock is ticking, Madam Speaker, because the rainy season is coming soon, and then no one will able to get food into these areas, but the bombs will continue to fall from the sky.

Take a look at these photographs. The first one is a remarkable satellite image of villages being bombed in South Sudan. You see the Antonov bomber flying north, back towards the Sudanese military airbase. You see the smoke plumes rising up from civilian villages. You see fields and orchards being bombed. These are not military targets, Madam Speaker. There's not even a truck or a pickup that might be used for military purposes. All you see are villages, huts, orchards, and fields. Antonovs don't do precision bombing, Madam Speaker; they just open up the back bay of the airplane and roll out barrels of explosives.

This is an image, Madam Speaker, of the indiscriminate bombing of civilians. This is a war crime. It took place on March 8. And here, Madam Speaker, are the targets of the bombs and rockets: children, Madam Speaker, hiding and starving in caves.

This photo was taken by John Prendergast, of the Enough Project, and George Clooney, who were in South Kordofan on March 8. They saw the planes and rockets striking villages. The satellite picture is from the Satellite Sentinel Project, set up by Mr. Clooney and DigitalGlobe, which has donated millions of dollars of imagery from its satellites in an effort to provide an early warning system for human security in this region of Sudan.

Last Friday, I stood on the steps of the Sudanese Embassy with George Clooney and my House colleagues, Congressman JOHN OLVER, JIM MORAN, and AL GREEN. We were all arrested protesting the humanitarian crisis in Sudan. We were joined by George's father and journalist, Nick Clooney; John Prendergast of the Enough Project; our former colleague Tom Andrews, now with United to End Genocide; Martin Luther King III; Ben Jealous, president of the NAACP; Nicole Lee, president of TransAfrica Forum; Faye Williams, chair of the National Congress of Black Women; Activist Dick Gregory; Rabbis David Saperstein and Steve Gutow; Fred Kramer, with the Jewish World Watch; and Ian Schwab, with American Jewish World Service.

We had a simple message: Let food and humanitarian aid reach the suffering people of South Kordofan and Blue Nile. Stop raping, killing, bombing, and starving innocent women, children, and men.

I commend the Obama administration for pressuring Khartoum to let food reach these desperate people, but more must be done. I urge the President to engage China at the very highest levels to also demand unfettered access for humanitarian aid.

Madam Speaker, the world must increase the pressure on President Bashir or watch another crime against humanity take place in Sudan. We must not be silent.

□ 1050

STOP MILITARY RAPE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. SPEIER) for 5 minutes.

Ms. SPEIER. Madam Speaker, I rise again today to highlight the epidemic of rape and sexual assault in the military. This is the 17th time that I've stood here on the House floor to tell the story of a brave member of our military who has been raped or sexually assaulted by a fellow servicemember.

Today I will tell you the story of Elle Helmer, who served at the prestigious Marine Barracks in Washington, D.C., at 8th and I from 2005 to 2006. The Marines who serve here in Washington are known throughout the military as the tip of the sword. They perform ceremonial roles and participate in the silent drill platoon. They are the creme de la creme.

You will notice that Elle's story follows the exact same pattern as the dozens of stories I've told before and probably the same pattern of the estimated 19,000 rapes and sexual assaults that occurred in the military in 2010. This is the pattern of the epidemic.

This is Elle's story: The harassment started as soon as she arrived in Washington. Lieutenant Helmer was told that she was selected to be the public affairs officer for the barracks based on her appearance. She was told that Command wanted a good-looking female officer to serve as a ''poster child.'' In addition to her role in public affairs, Lieutenant Helmer was also notified by mail that she was made a sexual assault and response coordinator. No one told her what the role required, and the only thing she knew about the position was that she'd been appointed to do it.

In March of 2005, a captain continually commented on her appearance and began to harass her. He told Lieutenant Helmer that he picked her to be a Public Affairs Officer because she was the ''prettiest.'' He made sexual advances and kept sending her social emails. She spurned his advances and complained to the Marine Barracks' equal opportunity officer, and provided

copies of the emails and details about the harassment. The Marine Corps did nothing.

The following year, the Marine Corps named Lieutenant Helmer to serve as the first female ceremonial parade flanking officer. Part of her responsibilities was to attend a pub crawl for St. Patrick's Day that had been endorsed by the colonel. When she objected to going, her superior, a major, told her it was a mandatory work event. The pub crawl involved a group of Marine officers identified in T-shirts going from bar to bar to bar on Capitol Hill, drinking excessive amounts of alcohol, all paid for by the Marine Corps. Lieutenant Helmer was required to drink shots at the same pace as the large male officers. On those occasions when she drank water to try to keep herself from becoming intoxicated, she was required by her boss to drink an extra shot as punishment.

As a result of the forced consumption of alcohol that night, Lieutenant Helmer became very intoxicated and left to find a cab to go home. Her superior, the major, followed her out and told her that she needed to come with him to his office to discuss a business matter.

When they reached his office, the major tried to kiss her. Lieutenant Helmer resisted, and the major grabbed her, knocking her over and hitting her head against the wall. She lost consciousness at that point.

When she awoke, she found herself lying on the floor in the major's office and was wearing his shorts. The major was found naked from the waist down, passed out on the floor nearby. After Lieutenant Helmer left the major's office, she reported it to her command that she had been raped. Her colonel discouraged her from asking for a rape kit examination, saying it would be ''out of his hands.'' In spite of the colonel's objections, Lieutenant Helmer sought and obtained a rape kit and medical examination.

Despite the medical and circumstantial evidence of the rape, the Navy Criminal Investigative Services initially refused to investigate, claiming Lieutenant Helmer's inability to recall her rape precluded any investigation. After a delay that destroyed the crime scene, the NCIS eventually conducted a very brief investigation and concluded that nothing could be done in light of Lieutenant Helmer's lack of consciousness during the assault.

In addition, the Marine Corps ''lost'' Helmer's rape kit. Lieutenant Helmer complained to the major's superior. Although that Marine officer admitted the NCIS investigation was ''woefully inadequate'' and removed the major from his command position, he refused to press charges or take any further steps to punish the rapist. Instead, he told Lieutenant Helmer, ''You're from Colorado. You're tough. You need to pick yourself up and dust yourself off.'' He then remarked, ''I can't babysit you all the time.''

Instead of the perpetrator being prosecuted, Lt. Helmer became the subject of investigation and prosecution. She was forced to leave the Marine Corps while her rapist remains a Marine in good standing. Elle, like so many victims I've heard from, report a culture of acceptance and a culture that blames victims. This must stop. We must pass H.R. 3435.

COMMENDING PRESIDENT BARACK OBAMA'S PROPOSALS REGARDING HIGHER EDUCATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from American Samoa (Mr. FALEOMAVAEGA) for 5 minutes.

Mr. FALEOMAVAEGA. Madam Speaker and to my colleagues here in the great Chamber of the people's House, the House of Representatives, I know of no other place in the world, only in America, that a man whose father was a devout Muslim from Kenya, Africa, who was married to a white woman from the great State of Kansas—and with all due respect to our birther friends, this man was born in the great State of Hawaii; this man is none other than Barrack Hussein Obama—could become our President, Madam Speaker, our President of all of the United States of America and its territories.

I want to share with my colleagues one of the most critical issues as advocated seriously by President Obama, and that is in the field of education.

I commend President Obama for his commitment to providing every child in America access to a complete and competitive education all the way from cradle to career.

In recent years, the United States has drastically fallen behind other countries when it comes to education. In the most recent Programme for International Student Assessment Report published in 2009, researchers ranked the performance of 15-year-olds internationally and found that the United States ranked 17th in reading, 24th in science, and 30th in math. To make America competitive once again, Madam Speaker, President Obama has introduced several key initiatives that focus on early childhood education, that reform and invest in K–12 education and restore America's leadership in higher education.

In his first major action of his Presidency, President Obama signed the American Recovery and Reinvestment Act, which makes significant investments in education. The act included $5 billion for early learning programs as well as programs for children with special needs. The President has also introduced accountability standards for Head Start to ensure that early childhood programs are continuing to deliver quality services. In addition, nine States have also received approximately $500 million from the Race to the Top-Early Learning Challenge fund to create systems of high quality early learning and development programs.

The President has also set a goal for the United States to have the highest proportion of college graduates in the world by the year 2020. To reach this goal, the President focused on K–12 teaching and learning. The American Recovery and Reinvestment Act provided $77 billion to strengthen elementary and secondary education, including $48.6 billion to stabilize State education budgets and to encourage States to ensure that all schools have highly qualified teachers, improve achievement in low-performing schools, and ensure college and career readiness.

The President also has invested to make sure that teachers are supported as professionals in the classroom, while also holding them more accountable. Effective teachers will be rewarded, and States will be encouraged to remove ineffective teachers from the classroom.

The President has also supported innovation in the classroom, such as the expansion of high quality charter schools, investments in the Race to the Top competition between States, and also providing flexibility for States who are looking for greater relief under the No Child Left Behind Act. The President also introduced the ''Educate to Innovate'' campaign, which is aimed to improve the participation and performance of America's students in science, technology, engineering, and mathematics.

President Obama has also introduced measures to make college more affordable. Under the President's leadership, the maximum Pell Grant amount has been raised to $5,500. The new ''Pay As You Earn'' proposal will also give about 1.5 million students the ability to cap their loan payments at 10 percent of their monthly income and allow debt forgiveness balance after 20 years of payments. The President's plan will enable an estimated 6 million students and recent college graduates to consolidate their loans and reduce their interest rates. Colleges and universities will also be rewarded based on their ability to offer relatively lower tuition costs and provide value to especially low-income students.

Madam Speaker, if we prepare America's children with a high quality education, we enable them to succeed in today's global economy. Furthermore, our ability to educate America's children will determine the economic competitiveness of our great Nation. And as our President has recently stated, no issue will have a bigger impact on the future performance of our economy than education.

Once again, Madam Speaker, I commend President Obama for his commitment to helping our children succeed from cradle to career. I thank him for his bold leadership and vision for the future of our children and our great Nation.

□ 1100

HONORING MONICA PEARSON

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

Mr. LEWIS of Georgia. Madam Speaker, for more than 30 years, Monica Pearson has been a voice of WSB-TV, the Atlanta ABC station. She is a sensitive, caring individual, and one of the most loved and admired television anchors in the Nation. You can always see her out in Metro Atlanta somewhere, serving and sharing, giving back to the community of people who have supported her for many, many years.

When Monica delivers the news, people believe it because they believe in her, and they know she believes in them. She didn't just read the news, but as a member of a community she tried to discover the truth, and we trusted what she said. Though she may be leaving the airwaves, she is not retiring from her involvement in our city, our State, and our Nation.

I wish Monica and her husband, John, the very best. We love her. She's been good for our city, for our State, and for our Nation.

A TRIBUTE TO MONICA KAUFMAN PEARSON

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

Mr. JOHNSON of Georgia. Madam Speaker, today I rise in tribute to retiring WSB-TV anchor Monica Kaufman Pearson, who brought Atlanta the evening news for almost four decades.

Before I go into that, something is compelling me to extol the virtues of a glass of cold iced tea in the middle of the day. After a hard morning at work outside and you come in for your meal, for your lunch, and you enjoy that lunch with a glass of iced tea, it's a Southern tradition, and I want to use that in talking about Monica Pearson.

Monica is the recipient of numerous awards, including more than 35 Emmys. She broke the color barrier and the gender barrier by becoming the first black female to serve as evening news anchor in the Atlanta broadcast market. She is known for her commitment to excellence, her commitment to professionalism, and also for her optimism and her compassion.

She is also known for sharing her talents by mentoring aspiring female news anchors across the Nation. It was Marian Pittman, news director of WSB-TV who worked with Monica for more than 15 years, who said, ''Monica is to WSB what sweet tea is to Atlanta.''

Yes, she was a quenching force when she arrived in Atlanta. It was at a time where Atlanta had recently elected a blunt-spoken man of action, Mayor Jackson, as the mayor of Atlanta. It was a time of transformation. At those kinds of periods you have a lot of turmoil going on among people—one group losing control, the other group taking control. They were difficult moments during that time politically, and people were polarized and divided. Then Monica arrived on the scene, a young, beautiful, personable, non-threatening, cheerful person. WSB-TV did something that was revolutionary: they made her the first African American and the first female to have that evening news slot. And boy, I'll tell you, you're talking about a glass of iced tea in a hot time, that's what she was.

Monica was so enthusiastic—she still is—upbeat, and she just lit up the TV screens. I personally just couldn't keep my eyes off of her. She was so cheerful. Her laugh and her smile are still infectious. She continues to light up Atlanta. She created and hosted one of the most remarkable interview programs in the Nation—''Monica Pearson Closeups.'' She interviewed world leaders, elected officials, and celebrities. Many of the people that she interviewed were just astonished at the depth of her preparation for the interviews.

While we are all wishing her Godspeed in her well-deserved retirement, we can take heart that she will continue to be a fixture on the Atlanta scene, always ready with a smile and an insightful word.

Monica Pearson is and will remain an Atlanta treasure and a glass of good, cold iced tea.

AFFORDABLE CARE ACT

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

Mr. SARBANES. Madam Speaker, this week, we're marking the second anniversary of the passage of the Affordable Care Act. I wanted to take a few minutes to speak to a number of groups that have benefited from the health care reform, a reform which I strongly supported.

If you think back to the time of the debate 2 years ago, it was at the height of hearing stories about people across the country, millions of people, who were struggling to access the health care system. So let me speak to the struggles of two or three particular groups.

Many adults across the country had had the experience of trying to get health care coverage, health care insurance, and discovering that because they had a ''preexisting condition,'' as it's so called, that they would be denied that coverage. If you look at some of the policies even today, you can see that the list of preexisting conditions is a long one. You don't have to have some kind of exotic disease or condition. Diabetes, hypertension, other things that plague millions of Americans across the country could be the basis for an insurance company denying coverage to you.

As difficult as that experience was for many adults to have when they went to try to purchase coverage because they had a preexisting condition, the most heart-wrenching stories we heard were of parents who had a child that suffered from a preexisting condition, and that child was unable to get health insurance coverage. It literally was tearing the hearts out of families across this country. One of the things that the Affordable Care Act put in place was a prohibition against denying coverage for children based on a preexisting condition. That is now law as a result of the Affordable Care Act.

Those who argue that we should repeal the Affordable Care Act, I cannot believe that they want to go back to a time when a family would have to look at their child who had a preexisting condition and know that they couldn't get coverage, couldn't provide health care for that child. I can't believe that we want to go back to that.

A second group that benefited are young people, many of whom after they graduated from college could no longer stay on the health insurance plan of their parents because it wasn't provided for. Under the Affordable Care Act, if you're a young person, you can now stay on your parents' health insurance plan until age 26.

□ 1110

This is making a huge difference for millions of Americans across the country. Already hundreds of thousands have taken advantage of the opportunity to stay on the insurance plan of their parents, which means that young people, many of whom think that they're invincible but then something happens to them and they need that health insurance coverage, now they'll have it. It's still in place because, under the Affordable Care Act, there's now a requirement that health insurance plans cover young people until age 26.

I cannot believe that those who want to repeal the Affordable Care Act want to go back to a situation where millions of young people can't access that health insurance coverage.

And let me talk about the third group, our seniors who, 2 years ago, were dealing with the situation of having to come out of pocket for prescription drugs because of the so-called doughnut hole under the prescription drug benefit program. Under the Affordable Care Act, we put in place the opportunity now to begin closing the doughnut hole and making sure that seniors who are in the doughnut hole have access to a 50 percent discount on prescription drugs, brand-name prescription drugs.

So now our seniors, many of whom before were having to make a choice between do I cover the cost of food, do I pay the rent, or do I cover the cost of my prescription drugs because they were having to come out of pocket, now, many of them don't have to make that terrible choice because of the assistance provided by the Affordable Care Act.

I cannot believe that those who are urging the repeal of health care reform want to take our seniors back to a place where they have to make that terrible choice between whether to

cover the rent, buy food, or pay for their prescription drugs.

Madam Speaker, there are so many good things already in place as a result of the health care reform, and I cannot believe that those who want to repeal it want to deny our children, want to deny our young people, want to deny our seniors the benefits that it provides.

JUSTICE FOR TRAYVON MARTIN

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

Ms. WILSON of Florida. Madam Speaker, Trayvon Martin was a 17-year-old young boy who lived in my district and attended school within walking distance of my home. I have known his family most of my life, and they are pleading, begging, crying for justice. The whole city of Miami is pleading for justice as they try to remain calm.

Every day, every day I will come to this floor and announce to America how long justice for Trayvon Martin has been delayed by using this charge.

Today marks the 25th day. Trayvon Martin was murdered 25 days ago, and still there has been no arrest. The evidence is overwhelming. Every single day new evidence emerges, and still there is no arrest.

To date, the FBI, the DOJ, the Florida Department of Law Enforcement, FDLE, and the State Attorney's Office are all involved in investigations surrounding his death. And still there has been no arrest.

What does it take? What more does it take?

The eyes of people pleading for justice in this Congress and everywhere I go are watching Sanford, Florida. The grand jury has been selected, and the grand jury is not reflective of Trayvon's family nor Trayvon. That must be corrected immediately.

I've heard from Trayvon's family. I've heard from his brother, his uncle, his classmates, his teachers, community leaders, the school superintendent. I even spoke to his mother again late last night. Everyone is calling for justice.

What happened to Trayvon was a classic example of racial profiling, quickly followed by murder of our dear, sweet Trayvon Martin.

Do you know that it took 3 days, 3 whole days, for the police to release Trayvon's body from the morgue to be shipped to Miami for burial and the funeral simply because the Police Department would not submit the necessary paperwork?

Sanford Police, do your duty. Arrest the murderer today. Twenty-five days is much too long.

We must stand up for justice. We must stand up for Trayvon. And we must stand up for our children.

JUSTICE FOR TRAYVON MARTIN

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

Ms. BROWN of Florida. Before I begin, let me just mention that today, visiting us in the Capitol, is the former mayor of Jacksonville, Mr. Peyton, and I want to welcome him to his Capitol.

I want to thank the gentlewoman from Miami for her comments and, really, all of our colleagues from both sides of the aisle.

This is a very tough time for us, being the Representative from Sanford, Florida.

I want to commend, first of all, the mayor, Mayor Triplett, and the county commissioner, Ms. Williams, and the city manager. We met Friday for over 5 hours, discussing what we could do to bring some kind of clarity to this situation.

This is a tragic situation. In having met with the family, met with the mother, it was very, very difficult to talk with the mother and father and know that I truly feel that justice has not taken place.

In the society that we live in, it's very important that we have to feel that the criminal justice system is fair and is fair to all parties. I cannot stand before you today and say that I feel that the system has operated fairly.

One of the first things I asked to happen is that there be an arrest. Well, we don't have an arrest. It's 25 days.

The second thing I asked is that we release the tapes, and we have released the 911 tapes. I've got to tell you, it has taken on a life of its own, because the things that were told to me in the meeting are not the things that were reflected in the tapes.

So you have the media looking into it, and I call them the fourth branch of the government. They can verify what's on the tapes. They can verify whether or not you would take someone's comment as to what they said happened when this young man is not there to tell his side of the story.

We have a person that everyone talks about was over the Neighborhood Watch. I want to point out, self-appointed over the Neighborhood Watch—self-appointed. That means, was not trained.

Clearly, if you listen to the tapes, the police dispatcher told him to stand down. Less than 5 minutes later, this young man was dead. He was just walking at the time. He was a black African American that on the tape said looked suspicious. It was raining, and you're looking suspicious in a neighborhood when just walking on the sidewalk.

He started following him, and the dispatcher said clearly, more than once: We need you not to follow this young man. We are on the way. We will handle it.

Less than 5 minutes later, this young man is dead.

This is not acceptable in this society. I have asked that the Justice Department—and I want to thank all of the tri-caucuses for weighing in on the importance of having an independent investigation, and that's the Justice Department. They've committed that there will be no stones unturned and that they will look into what has happened as far as the violation of his civil rights, whether it's a hate crime. But, in addition, we want to make sure that we have an independent review of how the police force has handled this situation.

□ 1120

I have some grave concerns when I discuss some of the things that have happened. For example, he was drug tested. He was tested. He had alcohol in his system. Yet, the person that did the shooting was not tested in any manner—no drug tests, no alcohol tests, no lie detector tests. It is just his word that he felt threatened. So, therefore, he shot to kill. That's unacceptable.

We are a better society than that, and we are going to work to make sure that this will never happen again. To whom God has given much, much is expected.

RECESS

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

Accordingly (at 11 o'clock and 21 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. MILLER of Michigan) at noon.

PRAYER

Reverend Dr. Carl Hickerson, Springfield Baptist Church, Washington, D.C., offered the following prayer:

O God, we confess our hope for the future is challenged by present circumstances. As we read or watch the news, our faith often falters.

Thank you, God, for examples of steadfastness and belief in the future. We thank You for people who plant trees though they may not live to enjoy them. We thank You for public servants and grassroots folks who struggle to preserve our society so that our children and grandchildren may inherit an inhabitable world.

We know, O God, that all people who believe and hope for the future are not necessarily doing it in Your name; but we acknowledge them as Yours, and we pray that You help us, each of us, to join their ranks.

Restore our faith. Remind us that You are our hope. For the sake of Him who died young so that we all might have a future, we pray.

Amen.

THE JOURNAL

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

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

Mr. MILLER of North Carolina. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

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

Mr. MILLER of North Carolina. 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, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from New York (Ms. SLAUGHTER) come forward and lead the House in the Pledge of Allegiance.

Ms. SLAUGHTER 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

CONGRATULATING MONICA KAUFMAN

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

Mr. PRICE of Georgia. Madam Speaker, great communities are made up of wonderful people, and Atlanta is a great community.

Monica Kaufman has been an integral champion in making Atlanta a great community. For nearly 40 years, she's been an anchor on WSB TV in Atlanta. Now, sadly, she's retiring.

From her warm smile, to her anxiously anticipated hair style, to her passion and her warmth for our beloved metro Atlanta, we all love Monica Kaufman. What a great champion of goodwill, southern charm, and spirit she has been.

And for all the wonderful work she's given to our region and our State and our Nation, Monica, we love you, and we wish you Godspeed in your future activities and your future happiness.

HAZING HEARING

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

Ms. CHU. A year ago, on April 3, on a Marine base in Afghanistan, Harry Lew was the victim of hazing. He was punched and kicked by his peers as they poured the contents of a sandbag over his face and mouth. This physical torture and hazing lasted a full 3 hours and 20 minutes. Twenty-two minutes after his abusers stopped, Harry killed himself. He was my nephew.

The perpetrators were let off with virtually no punishment. That is why, for months after his death, I have been calling for congressional hearings to look into the prevalence of hazing in the military. The military must implement a zero tolerance policy and must change the culture of hazing that is not only accepted but encouraged.

Tomorrow, almost on the anniversary of his needless and avoidable death, Congress will act. I urge all of you to watch online the Armed Services Committee hearing on hazing in the military.

We can and we must hold the military accountable so no one will ever again have to go through what Harry endured.

WHERE HAVE ALL THE C–130S GONE?

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

Mr. POE of Texas. Madam Speaker, the gulf coast is known for its whip-whirling tropical storms, devastating hurricanes, wildfires, and floods; and whenever such storms hit, C–130 aircraft sweep in from Fort Worth, Texas, at a moment's notice. They bring lifesaving supplies and cargo to rescue civilians. The C–130s have carried out 423 gulf storm response missions, evacuated 300 storm victims, and transported over 900 tons of emergency supplies to the gulf region alone.

But, Madam Speaker, for some reason, the Air Force wants to remove the C–130s from Texas and send them to Montana. Madam Speaker, when is the last time you heard of a hurricane in Montana?

The expensive, unwise transfer of the C–130s would cost taxpayers $100 million.

The C–130s have come to the rescue in Hurricanes Katrina, Rita, Ike, and Gustav. When I served in a C–130 unit at Houston's Ellington Field in the seventies, I came to know how efficient these aircraft are. That's why they are nicknamed the ''Hercules.''

Keep these lifesaving planes in the gulf where they are needed. Don't send them to Montana.

And that's just the way it is.

COMMEMORATING THE 51ST ANNIVERSARY OF THE PEACE CORPS

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

Mr. CICILLINE. Madam Speaker, I rise to commemorate the 51st anniversary of the United States Peace Corps.

Since its founding in 1961, the Peace Corps has sent 200,000 American men and women to serve in 139 countries. Among the 9,000 serving around the world today are residents of Rhode Island's First Congressional District: Sara Chace, Jenna de St. Jorre, Andrew Egan, Frank Hoder, Daniel Malin, Peter Pagonis, and Daniel Restivo.

Peace Corps volunteers create new opportunities, expand development, and encourage progress around the world. Year after year, these selfless men and women immerse themselves in the day-to-day life of a developing nation, connect with local residents, and work with them to share information. With the implementation of new policies this year for the Peace Corps Response program, even more volunteers will be eligible to help those most in need.

I applaud the Peace Corps for its accomplishments, and offer my thanks to the dedicated volunteers that make it so successful, and I thank them for the difference they're making in the world.

TRUE COSTS OF OBAMACARE ARE EXPOSED

(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. Madam Speaker, during the President's effort to lobby for the government takeover of health care, he promised the American people his proposal would cost $940 billion and ''won't add a dime to the deficit and is paid for upfront.''

The Washington Examiner editorialized last week the President ''knew the funny numbers his administration was putting out,'' but delivered a speech with blunders anyway.

Last week, the Congressional Budget Office released a report stating that ObamaCare will cost $1.76 trillion, a figure almost double the initial price tag that he promised.

Based on these reports, it is clear that the false claims are being exposed. House Republicans have already voted to repeal the unconstitutional government takeover of health care, which the NFIB has said it will destroy 1.6 million jobs. The Senate now needs to vote.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

WOMEN'S HEALTH WEDNESDAY: AFFORDABLE CARE ACT'S BENEFITS FOR WOMEN

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, for decades, women in this country have unfairly borne the burden of excessive health care costs. Fortunately, through the Affordable Care Act, millions of women no longer have to worry about going bankrupt if they get sick.

The Affordable Care Act ensures that being a woman will no longer be treated as a preexisting condition. The Affordable Care Act bans insurance companies from requiring women to obtain a referral for access to necessary OB/GYN care and bans insurance companies from dropping women when they get sick or pregnant.

Despite these accomplishments in women's health, the war on women continues in Texas. Governor Perry's political decision to forgo nearly $40 million in Federal funding for the Texas Medicaid Women's Health Program will leave 130,000 women without access to preventative health services.

Despite these obstacles, I will continue to fight for the increased access to quality health care for women in Texas.

□ 1210

PROTECTING ACCESS TO HEALTHCARE ACT

(Mr. BASS of New Hampshire asked and was given permission to address the House for 1 minute.)

Mr. BASS of New Hampshire. Madam Speaker, today the Congress will take up H.R. 5, Protecting Access to Healthcare Act. Amongst other things, this bill will repeal the Independent Payment Advisory Board, one of the many ill-conceived provisions that was part of the so-called Affordable Care Act. This independent advisory board basically has charged 15 unelected individuals with making decisions about what's covered for both patients below the age of 65 and Medicare recipients. It is the Affordable Care Act's way of reducing costs, i.e., telling doctors and patients what they can do and what they can't do. Fifteen unelected bureaucrats in Washington, D.C., are going to tell you what you can do. They stand ahead of you and your doctor.

Now, this bill did not make it to the floor last year. It will make it to the floor this year with bipartisan support. It costs $3.1 billion, which is made up with a tort law reform provision which has been added. But that shows that $3.1 billion is what's saved by denying Americans access to health care that they've purchased or that they deserve. Join me in repealing the Independent Payment Advisory Board.

HEALTH CARE REFORM

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

Mr. HOYER. Madam Speaker, I thank the gentlewoman from New York for yielding time. I'm proud to stand with her and with other Democratic Members in support of women's access to comprehensive, affordable health care, access that was greatly expanded by the Affordable Care Act which passed 2 years ago this week and which my Republican colleagues want to repeal.

Thanks to health care reform, over 13 million previously uninsured women will gain access to health insurance. Thanks to health reform, insurance companies will no longer be allowed to discriminate against women by charging them higher premiums than men for the same exact policy or by denying them coverage altogether simply because they are women. Thanks to health care reform, millions of women with private insurance will no longer have to pay for preventive services like mammograms, cervical cancer screening, contraception, and a host of other services.

As a dad of three daughters, as a grandfather of two granddaughters, and as a great grandfather of one great granddaughter, I am glad we did that. And thanks to the Affordable Care Act, preventive services are already free for Medicare beneficiaries.

If I had the time, I'd say the other benefits of this bill that we ought to keep, and I will not join my friend from New Hampshire in trying to repeal a provision of this act.

PAYING TRIBUTE TO MONICA PEARSON

(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. I rise today to give a tribute to a friend, a television broadcast icon, the talented and eloquent Monica Kaufman Pearson.

In 1975, Monica became the first African American, in fact, the first female, to anchor a daily evening newscast in Atlantic. Years later, it was revealed that she beat out Jane Pauley and Oprah Winfrey for the coveted position. And just like these high-profile women, Monica has risen to achieve extraordinary success.

For her diligent reporting and superb storytelling, she has won 30 Emmy Awards and numerous honors. However, Monica does not simply report the evening news. I can confidently say that she is one of Georgia's finest. Throughout the years, she has lent her voice to efforts and charitable causes within her community, living out her motto: It's what you do with what you have that makes you what you are.

On behalf of the United States Congress, it is my privilege to honor America's and Atlanta's top news leader, Monica Kaufman Pearson, for her outstanding career and significant contributions to broadcast journalism.

We love you, Monica, and we'll miss you. God bless you.

THE AFFORDABLE CARE ACT

(Mr. MILLER of North Carolina asked and was given permission to address the House for 1 minute.)

Mr. MILLER of North Carolina. Madam Speaker, I rise today to support the provisions in the Affordable Care Act that close the gender gap in health care. Beginning in 2014, health insurers cannot charge women more just because of their gender. Health insurers cannot deny coverage because of preexisting conditions like having survived cancer or having been pregnant or having been a victim of domestic violence, a condition that is almost as disproportionately experienced by women as pregnancy. And health care will have to cover preventive services like mammograms, screening for cervical cancer and, yes, contraception.

Republicans in Congress are trying to block these and other reforms so that health insurers or employers or Members of Congress can make women's health and reproduction decisions rather than trust those decisions to women. Madam Speaker, women can make those decisions. They really don't need help from insurers or employers or politicians or radio talk-show hosts. Women want to make those important personal decisions for themselves, and they should.

PROTECTING ACCESS TO HEALTHCARE ACT

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

Mr. OLSON. Madam Speaker, I rise to speak in strong support of H.R. 5, the PATH Act, which will fix two of the worst problems with ObamaCare. It repeals the Independent Payment Advisory Board, a group of 15 bureaucrats who will ration health care for seniors on Medicare.

H.R. 5 enacts medical liability reform. Each year, one-fourth of America's doctors are hit with lawsuits, and 90 percent of them are later found innocent. These frivolous lawsuits drive up costs and limit patients' time with their doctors. In 2003, my home State of Texas enacted liability reforms, bringing more than 14,000 new physicians to the Lone Star State. Many of these doctors moved to rural areas, filling a critical gap in care.

Madam Speaker, these reforms have lowered costs and increased access to care in Texas and will do the same for America. I urge my colleagues to listen to the American people and support H.R. 5.

WOMEN'S HEALTH AND THE AFFORDABLE CARE ACT

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

Ms. DELAURO. Madam Speaker, among the many beneficial reforms for women in the Affordable Care Act passed 2 years ago this week is an end to the discriminatory practice of gender rating in which individual women are charged more than men for the same coverage. We know for a fact that these sorts of discriminatory policies are not something that insurers would just change on their own.

According to a report that the National Women's Law Center released earlier this week, over 90 percent of the best-selling plans in States that have not already banned gender rating still charge women more than men for the very same coverage. This costs women and their families approximately $1 billion a year. Because we fought—and we fought hard 2 years ago—gender rating will be a thing of the past in 2014. At long last, a woman's health will be put on equal footing with that of her spouse, her son, or her brother.

This is just one of the many benefits for women in the Affordable Care Act. I could not be more proud to have helped pass this piece of legislation, which will transform women's health in this country.

CONGRATULATING MONICA KAUFMAN PEARSON

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

Mr. WESTMORELAND. Madam Speaker, I would like to join with my other Georgia colleagues today in congratulating Monica Kaufman Pearson on a distinguished career.

Ms. Pearson, known to most of us that have been watching her for a long time as Monica Kaufman, is retiring after more than 30 years as a ''Nightbeat'' anchor for WSB-TV and Channel 2 News in Atlanta.

I, along with many Georgians, have welcomed Ms. Pearson into my home every night while watching the news. Although her retirement is well deserved, she will be missed by us all.

After graduating from the University of Louisville, Ms. Pearson began her career as a reporter for the Louisville Times. Later she took part in the Summer Program for Minority Groups at the Graduate School of Journalism, Columbia University of New York. Before coming to Atlanta, Ms. Pearson worked in the public relations field and as an anchor for WHAS-TV in Louisville.

Even with her retirement, I know she will continue to be a role model for the citizens of Georgia and continue using her helping hands to raise money for charity and local community organizations.

I wish Ms. Pearson the best in her future endeavors.

And, Monica, the nightly news will not be the same without you. Thank you very much.

□ 1220

AFFORDABLE CARE ACT AND WOMEN

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

Ms. SLAUGHTER. Madam Speaker, 2 years ago, I was really honored to serve as the chair of the House Committee on Rules and bring this historic Affordable Care Act to the House floor. It was one of my proudest moments. I'm standing here today, equally proud to defend that law from the ongoing war on women.

When it comes to health care, women are classified as a preexisting condition. For decades, women have been routinely charged more for health insurance than a man who seeks the very same coverage.

Did you know that if a business employs more women than men, it can choose to raise everybody's premiums, regardless of gender, to cover the higher cost, which is, in their mind, of insuring women?

Women not only pay for standard insurance coverage, but they also pay a separate cost for maternity coverage. In Illinois, a 30-year-old woman must pay $278 a month and an additional $270 a month for maternity coverage in case she needs it.

Insurance companies claim that these added costs are because women are more likely to visit doctors, get checkups, take prescription drugs, and have illnesses. Everyone knows that preventative care—everyone but the insurance companies, apparently—saves us money in the long run. We women in the majority of the United States are tired of being second-class citizens.

IPAB

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

Mr. CASSIDY. Madam Speaker, I'm a doctor. And as a doctor who still treats patients, I understand how important it is to have health care for the millions of Americans who depend upon it, particularly Medicare. Therefore, I fully support the repeal of the Independent Payment Advisory Board, a new government bureaucracy of 15 unelected, unaccountable officials created by the President's health care law.

Now, as it turns out, the IPAB can only save money by slashing payments to physicians, to Medicare Advantage plans and prescription drug plans—things that our seniors depend upon daily. I cannot imagine why my Democrat colleagues support making it more difficult for a senior to obtain the care that she needs and deserves.

The faith that centralized planning of the IPAB will be successful in controlling costs brings to mind Samuel Johnson's quote regarding second marriages: ''It is the triumph of hope over experience.''

REMEMBERING THE REVEREND MAURICE MOYER

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

Mr. CARNEY. Madam Speaker, I rise today to remember the Reverend Maurice Moyer, who died Tuesday, March 6, at age 93.

Rev. Moyer was one of Delaware's most respected and beloved citizens, and a prominent civil rights leader.

As president of the Wilmington Branch of the NAACP from 1960 to 1964, Rev. Moyer led the fight for open public accommodations and fair housing. He was part of the 1963 March on Washington, and participated in the voting rights march from Selma to Montgomery in 1965.

Rev. Moyer fought tirelessly for equal rights for all and was an inspiration to everyone who knew him. He did so much to make Delaware and our country a better place for all of us.

It was a privilege for me to know him personally and to join his family and friends for his 90th birthday party, where we celebrated his incredible life and legacy.

I will always remember Rev. Moyer's broad smile, his strong voice, and his kind heart. My thoughts and prayers go out to his family and friends.

IPAB

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

Mr. BILIRAKIS. Madam Speaker, I rise today to express my concern with the Independent Payment Advisory Board. This unelected bureaucracy is another example of the extreme flaws in the massive health care overhaul. The power that would be wielded by the IPAB is unprecedented. More troubling, it diminishes the oversight ability of Congress—a fundamental element of our Nation's system of checks and balances.

Many doctors and care providers in my home State of Florida are already unable to accommodate the new Medicare beneficiaries. The IPAB will create further uncertainty and could certainly harm seniors' ability to access care.

Madam Speaker, this health care bill is not working. We hear about major problems from every facet of the health care system, both patients and providers. Repealing the IPAB is an important step in rolling back this deeply flawed and unpopular health care bill.

RYAN BUDGET PLAN

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

Ms. BERKLEY. Madam Speaker, I feel as if it's deja vu all over again. Just 1 year ago, Washington Republicans proposed a plan to kill Medicare by turning it over to private insurance companies. It passed the House and luckily failed in the Senate.

Now, just 1 year later, Republicans are pushing yet another plan to kill Medicare and devastate Nevada seniors by forcing them to pay thousands more out of their own pockets for health care. Madam Speaker, it was a bad idea for Nevada seniors when it was first proposed, it's a bad idea for Nevada seniors now.

Unfortunately, these are the kinds of priorities we have come to expect from Washington Republicans. Instead of strengthening Medicare, Washington Republicans have spent this year trying to undermine it in order to pay for massive taxpayer giveaways to big oil companies making billions in profits and tax breaks for corporations who are shipping our jobs overseas. It's a matter of getting our priorities straight, and the Republicans in Washington just don't get it.

We need to put Nevada's seniors first, not Big Oil executives, not Wall Street billionaires. We must focus on creating jobs, not on killing Medicare by turning it over to greedy insurance companies.

MEDICAL MALPRACTICE REFORM

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

Mr. SCALISE. Madam Speaker, I rise in strong support of H.R. 5, the bill that we're bringing to the floor today to repeal the Independent Payment Advisory Board, this group of 15 unelected bureaucrats here in Washington, D.C., that, under the President's health care law, would be able to ration care for our Nation's seniors.

I think most hardworking American families out there would much rather the decisions on health care to be made between a patient and a doctor, not some unelected bureaucrats to be allowed to ration our grandmother's care. So that's why we're repealing this law. Hopefully, it's going to be sent over to the Senate, and we'll finally be able to get some good bipartisan support over there.

As part of this reform, we are also not just repealing, we're replacing with real commonsense medical liability reform. This is something that should have been in the President's law, but of course his law wasn't about reform; it was about a government takeover. We are actually putting in place legislation that would put commonsense medical liability reform in place.

According to the Harvard School of Public Health, 40 percent of medical malpractice suits filed in the United States are ''without merit.'' Well, what does that do? That dramatically increases the cost of health care because so many doctors out there will tell you that many of the tests they run on us are not because of our health, to look at health outcomes; it's to avoid frivolous lawsuits. We finally addressed that, lowering the costs and improving quality of care.

WAR ON WOMEN'S HEALTH

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

Mr. BUTTERFIELD. Madam Speaker, over the past several months, we have seen Republicans wage war on women's health. Nowhere can the Republican zeal for limiting women's access to affordable quality health care be seen more clearly than in their attempt to dismantle the Affordable Care Act.

Improving health care has long been a priority for women, reflecting their experiences as patients, mothers, and caregivers. For decades insurance companies have been able to deny coverage and charge higher rates for women simply because of their gender. Thanks to the Affordable Care Act—the greatest advancement for women's health in a generation—this will no longer be legal. This law moves us closer to the day when essential women's health services are covered, prevention is a priority, and care is coordinated.

On the eve of the 2-year anniversary of the Affordable Care Act, I join my colleagues in protecting health care reform for women, and I rebuke all attempts to continue discriminatory health insurance policies that result in women paying more than men.

□ 1230

THE HEALTH ACT OF 2011

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

Mr. LATTA. Madam Speaker, I rise in support of H.R. 5, the Help Efficient, Accessible, Low-cost, Timely Healthcare Act of 2012, which also contains H.R. 452, the Medicare Decisions Accountability Act of 2012. I'm a cosponsor of both of these very important pieces of legislation.

The Independent Payment Advisory Board, IPAB, must be repealed, as this board will have extremely negative consequences on American families' health care. This board of unelected members will be making decisions for tens of thousands of Medicare patients. The power to control the purse strings will give enormous power to control what type of care a patient receives. I strongly believe that physicians and patients are in the best position to decide their own health care, and IPAB must be repealed.

In addition, the HEALTH Act is absolutely needed. I've been working on medical malpractice issues since my time in the Ohio General Assembly when we passed successful tort reform. The current system is broken and places a $210 billion burden on our Nation's health system each year. H.R. 5 will bring savings for patients and doctors, and is an important step in helping to make sure our Medicare liability system works in this country.

I support both bills.

BENEFITS OF THE AFFORDABLE CARE ACT

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

Mrs. CAPPS. Madam Speaker, I rise to recognize the ways that young people in my congressional district and around the country are benefiting from the Affordable Care Act.

Before health reform, young adults were the age group most likely to be uninsured, losing their coverage right after they left home and entered the workforce; but thanks to the health reform law, 2½ million young people, including nearly 10,000 in my communities, now have health insurance. And some of them have reached out to tell us how the law is working for them and for their families.

Jamie from Santa Barbara wrote:

> I got back on my parents' insurance and was finally able to visit the dentist and get a new prescription for eyeglasses that I desperately needed.

Maria from Oxnard says:

> As a recent graduate. I felt completely vulnerable. With health care reform, I am now able to stay with my parents' health insurance, which has given me peace of mind while I search for employment.

Madam Speaker, health reform is working for young people on California's central coast. We must ensure the law stays strong to keep them and their families healthy, and I'll say the same for this entire Nation.

HONORING THE 40TH ANNIVERSARY OF TAN HOLDINGS CORPORATION

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

Mr. SABLAN. Madam Speaker, 40 years ago, Dr. Tan Siu Lin founded what is known as Tan Holdings, the largest private employer in the Northern Mariana Islands.

Over four decades, Dr. Tan, together with his wife and their children, nurtured their small, homegrown business into an international powerhouse. Tan Holdings has become one of the region's most important tourism businesses, with hotels, booking agencies, and, soon, an airline, Saipan Air. The company also provides personal and corporate insurance, distributes some

of the world's best known consumer goods in our islands, is active in real estate, and publishes a newspaper.

In addition to these business accomplishments, Tan Holdings has established the Tan Siu Lin Foundation, which has donated millions of dollars to deserving causes and activities in our islands, setting an example of social responsibility.

Please join me in congratulating Tan Holdings for its 40 years helping to build the economy of the Northern Mariana Islands and economies throughout Micronesia.

THE AFFORDABLE CARE ACT

(Ms. PINGREE of Maine asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PINGREE of Maine. Madam Speaker, in the 2 years since its enactment, the Affordable Care Act has truly improved health care for families in Maine:

It has given 190,000 seniors access to free preventative care and saved them over $5 million in prescription drug costs; it has allowed 7,000 young adults to stay on their parents' insurance; and, in Maine, it has helped 1,300 small businesses provide their employees with health coverage.

More critical benefits are on the way, including banning insurance companies from charging women more simply because of their gender.

Yet here we are again, debating how to undo these successes, debating how to block women's access to contraceptives, and, this week, considering proposals to dismantle Medicare and shift the cost back to seniors.

This must stop. We can't afford to go back to the status quo—denying women equal access to care, or telling seniors they're on their own, or letting families go bankrupt just because someone got sick.

We must let the Affordable Care Act stand so more Americans have the chance to reap the benefits of true health care reform.

DO NOT TURN THE CLOCK BACK

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

Ms. HANABUSA. Madam Speaker, it's been about 236 years since we declared independence, but it's only been 92 years since women could vote. We have fought for equality, fighting our way from being second-class citizens. One such battle is the discrimination in health care.

For so long, insurance companies have denied coverage for preexisting conditions like pregnancy, breast cancer, C-sections, and domestic abuse. Ninety percent of the best-selling plans charge women more. Some plans require women to even get a pre-authorization before they can seek OB–GYN services.

From 2014, that will not be the case because of the Affordable Care Act. But just a few months ago, efforts by Republicans were to block contraception. Now the attempts are to repeal the Affordable Care Act. This is the act that's been the great equalizer for women and children.

Don't let them turn the clock back. We should not have to do another hundred years of battle for equality.

THE CRISIS IN KORDOFAN AND BLUE NILE

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

Mr. MORAN. Madam Speaker, today, in Sudan, tens of thousands of men, women, and children are huddled in caves in the Nuba Mountains of South Kordofan and at Blue Nile state, where they're hiding from aerial bombardment and rocket attacks unleashed by the Sudanese Government in Khartoum.

They have nothing to eat because they've not been able to plant crops this year. And although the world stands ready to provide lifesaving assistance, that same government in Khartoum refuses to allow them access to it. When the rainy season descends on Sudan in the coming weeks, it will be too late to get food in and these people will face starvation.

Madam Speaker, for decades, this Congress and successive U.S. administrations have expressed the will of the American people that we will not allow so many innocent people to die in a struggle for land and power.

I ask my colleagues to condemn the Sudanese Government's assault on innocent people and denounce President Omar al-Bashir's decision to use food as a weapon of war.

We have little economic or political interest in this situation, but we do have a profound moral obligation to speak out. Khartoum must withdraw its armed forces, stop attacking civilians, and allow humanitarian access immediately.

PERMITTING THE USE OF THE ROTUNDA OF THE CAPITOL FOR A CEREMONY AS PART OF THE COMMEMORATION OF THE DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST

Mr. NUGENT. Madam Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of House Concurrent Resolution 108, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 108

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF ROTUNDA FOR HOLOCAUST DAYS OF REMEMBRANCE CEREMONY.

The rotunda of the Capitol is authorized to be used on April 19, 2012, for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

HOUR OF MEETING ON TOMORROW

Mr. NUGENT. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion 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.

Any record vote on the postponed question will be taken later today.

□ 1240

UNITED STATES MARSHALS SERVICE 225TH ANNIVERSARY COMMEMORATIVE COIN ACT

Mr. STIVERS. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 886) to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

At the end, add the following:

SEC. 8. FINANCIAL ASSURANCES.

The Secretary shall take such actions as may be necessary to ensure that—

(1) minting and issuing coins under this Act will not result in any net cost to the United States Government;

(2) no funds, including applicable surcharges, shall be disbursed to any recipient designated in section 7 until the total cost of designing and issuing all of the coins authorized by this Act (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping) is recovered by the United States Treasury, consistent with sections 5112(m) and 5134(f) of title 31, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. STIVERS) and the gentleman from North Carolina (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. STIVERS. I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to add extraneous material to the bill.

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

There was no objection.

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

I rise today to urge the House to concur in two minor amendments made by the Senate to H.R. 886, introduced by the gentleman from Arkansas (Mr. WOMACK) and passed by the House last December with more than 300 cosponsors.

The amendments, which are unobjectionable, merely certify that the coins produced under the program outlined in the bill will comply with existing law requiring that they be produced at no cost to the taxpayers.

Madam Speaker, 112 Congresses ago, during the first session of the first Congress, George Washington signed into law the Judiciary Act and appointed the first 13 men who formed the basis for the Nation's first Federal law enforcement agency. The Marshals Service will celebrate its 125th anniversary in 3 years. This legislation authorizes issuance of coins recognizing that anniversary.

Surcharges on the coin sales will generate funds for a number of law enforcement-related entities, primarily the U.S. Marshals Museum. I urge adoption of the bill as amended.

I reserve the balance of my time.

Mr. MILLER of North Carolina. Madam Speaker, I yield myself such time as I may consume.

The Offices of the U.S. Marshals and Deputy Marshal were created by the first Congress in the Judiciary Act of 1789, the same legislation that established the Federal judicial system. The marshals were given extensive authority to support the Federal courts within their judicial districts and to carry out all lawful orders issued by judges, by Congress, or by the President.

Their first duty was to support the Federal courts, and they served summons, subpoenas, writs, warrants, and other processes issued by the courts, made any arrests necessary, and handled the prisoners. They disbursed the money. The marshals paid the fees and expenses of the court clerks, the U.S. Attorneys, the jurors, the witnesses. They rented the courtrooms, the jail space, hired the bailiffs, the criers—what we probably would now call a bailiff—the janitors, and on and on. They ensured the courts functioned smoothly. They took care of the details so that the judges and the lawyers could concentrate on the cases before them. They made sure that the water pitchers were filled, the prisoners were present, the jurors were available, and the witnesses were on time.

But that was really only part of what the marshals did.

When George Washington set up his first administration and Congress first convened, they both quickly discovered a gap in the constitutional design of our government. It had no provision for any administrative structure throughout the country. Both the Congress and the Executive were housed in the Nation's capital, and no agency was established or designed to represent the Federal Government anywhere else. The need for a national organization quickly became apparent.

Congress and the President solved that in part by creating specialized agencies, like customs and revenue collectors to levy taxes and tariffs, but there were still many other jobs in the Federal Government that needed to be done and no one to do them. The only officers available to do it were the marshals and their deputies.

So the marshals were pretty much the Federal Government throughout much of the country, and they pretty much did everything. They took the national census every 10 years until 1870; they distributed Presidential proclamations, collected a variety of statistical information on commerce and manufacturing; they supplied the names of government employees for the national register; and they performed other routine tasks that were really necessary for the central government, the Federal government, to function effectively.

Over the past 200 years, Congress and the President have called on the marshals to do all manner of things: to carry out unusual and extraordinary missions like registering enemy aliens in time of war, capturing fugitive slaves from that lamentable period of our history, sealing the American border against armed expeditions aimed at foreign countries, and swapping spies with the Soviet Union. They remained a law enforcement agency.

Within the last decade, the marshals retrieved North Carolina's, my State's, copy of the Bill of Rights in a sting operation. North Carolina's copy had been stolen by Sherman's men when Sherman's army came through Raleigh after they went through Atlanta and treated Raleigh with the same loving attention and care that they had shown Atlanta. We are proud now to have our copy back and thank the marshals for having done it.

Madam Speaker, I support this deserved honor for our Marshals service.

I reserve the balance of my time.

Mr. STIVERS. Madam Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. WOMACK).

Mr. WOMACK. Madam Speaker, I thank the gentleman for his time, and I thank the gentleman from North Carolina for his kind remarks, too.

I want to thank the Speaker of the House and Leader CANTOR and Chairman BACHUS for giving me the honor and privilege of helping shepherd this important piece of legislation through the House.

As was already mentioned in previous remarks, this bill, H.R. 886, passed overwhelmingly through this House with only a single dissenting vote late last year in the first year of the 112th Congress. It's gone over to the Senate, and it's come back with an amendment that simply reassures the American people that none of the production costs or other costs associated with the minting of this coin that commemorates the 225th anniversary of the Marshals service will be borne by the taxpayers.

So it just further assures the discerning public out here that the effort that we're doing today in honoring a great law enforcement agency in the U.S. Marshals Service at the same time does not cost the taxpayers any money. So I urge strong support for this bill, as amended.

Mr. MILLER of North Carolina. Madam Speaker, we have no further speakers.

I yield back the balance of my time.

Mr. STIVERS. Madam Speaker, I have no further speakers. I urge adoption.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. STIVERS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 886.

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. MILLER of North Carolina. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

PROVIDING FOR CONSIDERATION OF H.R. 5, PROTECTING ACCESS TO HEALTHCARE ACT

Mr. NUGENT. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 591 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 591

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and amendments specified in this resolution and shall

not exceed six hours equally divided among and controlled by the respective chairs and ranking minority members of the Committees on Energy and Commerce, the Judiciary, and Ways and Means. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments recommended by the Committees on Energy and Commerce and the Judiciary now printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112–18 shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. No further amendment to the bill, as amended, shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill, as amended, and any further amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

□ 1250

Mr. NUGENT. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself as much time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. NUGENT. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. NUGENT. Madam Speaker, I rise today in support of this rule, House Resolution 591.

H. Res. 591 provides a structured rule so that the House may consider H.R. 5, the Help Efficient, Accessible, Low-cost, Timely Healthcare Act of 2012. The rule provides for 6 hours of debate on this vital issue.

In my opinion, the HEALTH Act is one of the most imperative pieces of legislation to come to the floor of the House in the 112th Congress thus far. The bill repeals a particularly egregious part of the government takeover of health care: the Independent Payment Advisory Board, or IPAB.

In case you're not aware, IPAB is the 15-member panel created by ObamaCare to rein in Medicare costs. IPAB is made up of 15 unelected bureaucrats. The majority are not doctors, and their decisions will have the force of law and will go into effect automatically without the consent of Congress. We'll get back to IPAB in a moment.

H.R. 5 also implements long-needed medical malpractice tort reform. I hear all the time that we need to bring down the cost of health care. My colleagues on the other side of the aisle claim that the government takeover of health care would do just that, reduce the cost of health care.

In fact, President Obama claimed it would lower premiums by $2,500 per family per year. We know that's just not the case. Since inauguration day in 2009, premiums have risen by $2,213, almost the same amount the President promised he was going to save us. The annual Kaiser Foundation survey of employer-provided insurance found that average family premiums totaled $12,860 in 2008 and are now $15,073 in 2011. Moreover, the CBO, the Congressional Budget Office, projects the law's new benefit mandates will force premiums to rise on top of that $15,000 by $2,100 per year per family.

Malpractice reform, on the other hand, will most definitely reduce the cost of health care. We've seen what defensive medicine is: CAT scans ordered, antibiotics prescribed, blood tests conducted—not because the doctor thought they were necessary, but because he or she was scared that if they didn't order them they would be sued for not prescribing them.

A Department of Health and Human Services study said that defensive medicine costs between $70 billion to $126 billion a year. That's billions. The CBO estimate takes a little more moderate stance, putting that number around $54 billion. Let me tell you, $54 billion, $70 billion, $126 billion, that's a lot of money in anybody's terms.

I've heard from a lot of folks they are opposing the legislation because it defies States' rights. I have to say I'm particularly surprised to hear so many of my colleagues on the other side making this argument. I'm happy to see they've come to recognize the importance of States' rights and of State sovereignty. I hope that means that we can count on them for their support and efforts in moving forward to take Federal power away from Washington, D.C., and return that power back to the States, where it belongs and where our Founding Fathers envisioned it to be.

I want to take a moment to make it clear to my colleagues on both sides of the aisle why this bill, H.R. 5, does not trample on the rights of our States.

In the modern era, Congress has enacted many Federal tort reform statutes to supersede contrary State laws, including recent Federal tort reform protecting the vital domestic firearms industry, and judicial precedents leave little doubt as to their constitutionality. Even President Reagan, who was an unabashed champion for the States, established a special task force to study the need for tort reform, which concluded that the Federal Government should address tort reform across the board.

I fear that the folks who are claiming the 10th Amendment and States' rights aren't looking at the entirety of H.R. 5. They aren't looking at all of the provisions that make it clear that the caps created in this bill only apply to States that don't already have their own caps.

These provisions—''flexi-cap'' they are called—recognize that any State amount on caps takes precedence to this piece of legislation. That means if a State has a billion-dollar cap, good for them, let them keep it. It also means that if a State has a $100,000 cap, they can keep it, too. If a State decides to pass a law and establish a cap on their own to change their existing cap, they should go ahead and do it because H.R. 5 isn't going to do anything to stop them from doing that.

H.R. 5 clearly ensures that it is a State's right to set its caps where it wants them. I understand that trial lawyers won't like the Federal limit. Luckily, I really worry about the American people as a whole, not just what trial lawyers have to say.

I know this may be speculation, but I think that special interest groups and, perhaps, some of the new converts to the 10th Amendment are hiding behind the States' rights argument because, in fact, they just don't want to see their own profits go down. But I fear that the States' rights discussion is a red herring that only gets us off the most important issue, the issue that I started off with, the Independent Payment Advisory Board. Plain and simple, IPAB is going to cut the health care that our Nation's seniors can receive.

This Medicare-rationing board, which is what this is, will decide the value of medical services and impose price controls that will slash senior access to doctors and other health care providers. We see this happening already.

The Centers for Medicare & Medicaid Services actuary has confirmed that large reductions in Medicare payment rates to physicians would likely have serious implications for beneficiary access to care, utilization, intensity, and the quality of that care. As Donald Berwick, President Obama's appointee as the Medicare administrator, said:

> The decision is not whether or not we will ration care. The decision is whether we will ration with our eyes open.

H.R. 5 takes that choice away from Administrator Berwick, from IPAB, and from President Obama. H.R. 5 sets forth a new way forward, a way that says we don't need Washington bureaucrats, who haven't even practiced medicine, telling us what's best for us.

We need to sit down with our doctors and come up with individual treatment

plans, a way that actually does something about health care costs by removing frivolous lawsuits from the equation, a way forward that means States' rights are still protected while also protecting seniors' rights to the best health care options available.

□ 1300

Madam Speaker, I support this rule, and I support the underlying legislation, and I encourage all of my colleagues to do the same.

With that, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume.

I rise in opposition to H.R. 5. Not only does this bill overlook the rights of injured patients, but it's also an attempt by the House Republican leadership to dismantle the Affordable Care Act.

I would remind my friend from Florida that there is no example that allows for any of us to have it both ways. This matter violates the Constitution and, clearly, not just for those who argue the 10th Amendment from a conservative or a liberal perspective. It is all of us that feel very strongly that this measure usurps the power of States.

I'm fond of saying what Randy Barnett, constitutional law professor at Georgetown, said, that people seem to be fair-weather federalists, and they abandon federalism whenever it is inconvenient to someone's policy preferences.

H.R. 5 combines two completely unrelated measures. The first one is the reform of our Nation's medical malpractice system. The second one is the repeal of the Independent Payment Advisory Board, which was established by the Affordable Care Act. Please don't get me wrong; I'm fully aware of the challenges inherent to our medical liability system. The excessive cost of medical malpractice insurance faced by physicians seriously impairs our Nation's health care system by encouraging the practice of defensive medicine. This contributes to higher health care costs for both doctors and patients as well as diminished access to care for consumers.

But while I agree that our medical liability system needs to be changed, I do not believe that it should be at the expense of the fundamental rights of patients, including their ability to seek compensation for wrongful injuries. Indeed, this bill imposes an arbitrary and unfair cap on noneconomic damages that injured patients can receive. Such limitations will extinguish our rights and have devastating consequences for individuals harmed by physicians and medical products.

In addition, this bill seriously encroaches on the 10th Amendment of the Constitution by preempting State laws. And I'm not buying the confusion offered in the Rules Committee yesterday nor by my good friend from Florida. I know preemption when I see it. I know the 10th Amendment, and I know that people have stood for the 10th Amendment. I need not remind my colleagues that countless Republicans have made statements regarding this particular matter not fitting within the framework of the 10th Amendment's commerce provision.

My Republican colleagues like to talk about frivolous lawsuits and unreasonably large jury awards. But I asked the question yesterday of the maker of this particular provision, what is his leg worth? It's easy for us here inside the beltway, and it's easy for us on the Republican or Democratic side, liberal or conservative, to be about the business of talking about somebody's harm. Then what happens is, all of the lawyers that are the bad people of the world, everybody wants the best lawyer when it is them and their problem that is a problem.

I asked the maker of the bill, how much is his leg worth? When you cut off the wrong leg, who can stand among us and say that $250,000 is enough? So where did that cap come from? It came from a 1978 provision, $250,000. This is 2011, moving fast with costs rising.

I ask anybody here or that is within the range of this particular measure at this time, please tell me, when did your health care insurance costs go down? I don't know of any example. I have been paying health care insurance for 49 years, and it's gone up repeatedly during that period of time. And I don't care whether there was a Republican President or a Democratic President, health care costs went up, and I don't think that this little measure here is going to bring it down.

What do you think about the family in Chicago whose perfectly healthy baby was born lifeless because the hospital team failed to provide him with proper oxygenation during labor and to perform an emergency cesarean section on the mother? The boy is now 5 years old, suffers from permanent neurological damage, and is totally dependent on the care of his parents for all his daily activities. You ask his parents if $250,000 is enough for a lifetime of care. Oh, no.

Then you say, well, thrust it on the States. Let Medicaid take care of it. And then what you do under the Ryan budget, my good friend, is you say block-grant Medicaid. I saw that movie in Florida when they block-granted Medicaid, and it was used for everything else other than for poor people. Something is wrong with that movie.

What about the judge in Palm Beach County who had a surgical sponge left in his stomach after having abdominal surgery and had to wait 5 months to have it removed? By then, the pus and bile-stained mass measured more than a foot long and a foot wide, and the rotted part of his intestine had to be removed. Ask him if a lawsuit was frivolous.

Each case and each injury is different. It is not the role of Congress to decide the fate of these individuals and families devastated by malpractice by establishing arbitrary limits on the financial compensation that they are entitled to.

As you all know, the medical malpractice portion of this bill is actually a pay-for, meant to offset the repeal of the Independent Payment Advisory Board, IPAB. IPAB is a board of 15 physicians and experts established by the Affordable Care Act to find ways to control health care costs associated with Medicare.

Under the act, IPAB will make recommendations to slow the growth rate in Medicare spending if spending exceeds a certain target rate. The Congressional Budget Office estimates that the repeal of IPAB would increase direct spending by $3.1 billion over 10 years—$3.1 billion. Now is not the time to repeal measures that can save our Nation money and reduce our deficit without offering any substitute, and that's the take-away from this.

My friends say don't do IPAB; and I say to my friends, well, what do you do? And you do nothing. That's what you do, and that's what you've been doing here in the Congress since we came here. We have given ''do-nothing Congress'' a new meaning. Rather than dealing with jobs, the things that people are completely interested in, rather than passing the infrastructure measure that the Senate has passed that will deal immediately with jobs in America, we are here passing a measure—and it will pass the floor of the House of Representatives—that will go to the Senate and go nowhere. So then what did we do? We did nothing.

The Congressional Budget Office also estimates that, thanks to the cost-saving mechanisms in place in the Affordable Care Act, IPAB will not likely be required to act for the next 10 years.

I heard my colleague, just a minute ago, say that health care costs have gone up since President Obama has been in office. My mom is fond of saying that if we're going to keep pointing back to the other President—if Obama says Bush did it, and Bush says that Clinton did it, and then Clinton said that Bush did it, and Bush said that Nixon did it, and Nixon said that Carter did it—then we could just point back to George Washington and say George Washington did it then and get it all over with rather than continuing this charade before the people, making them think that somehow or another we have the solution here.

□ 1310

Health care costs have gone up, and they're going to continue to go up until we as men and women in the House of Representatives and in the United States Senate and as the American people sit down and decide that this is a solvable problem which will allow us to address those things that are vital in this country.

The bill is a complete waste of time. It does nothing in addition to going nowhere. It does nothing to help the

American people. It contains nothing to improve the affordability and accessibility of health care. And repealing IPAB, if you want to talk about frivolous, that's what frivolous is. Let us give the American people what they really need right now—and that's jobs. How many times do we have to say that down here for people to finally get it?

Frankly, I'm appalled by the hypocrisy of my Republican colleagues who keep stating that Federal spending needs to be kept under control. But at the first opportunity they wind up rejecting one of the most serious tools in place to actually tackle Medicare spending and find ways to make care more affordable.

What are the Republicans offering to replace IPAB? Nothing. Since the beginning of the 112th Congress, the Republican majority has sought to repeal as many provisions of the Affordable Care Act as possible without providing any replacement and absolutely no long-term solution. If we do nothing, Medicare costs will continue to increase, thereby increasing the burden on millions of seniors, disabled individuals, and their families all across this country.

What is the Republican plan? What is the plan? It is to replace Medicare with the new Ryan budget introduced yesterday. It is to replace it with some kind of premium that is nothing but a voucher system that would certainly result in increased costs for seniors and reduced benefits.

The truth is that the Republicans have no plan to reduce Medicare, and I defy them to present it. If you look at the budget that was released yesterday, it's all filled with blank spaces—and I'll fill in the line—nothing, nothing, nothing. So, instead of just repealing IPAB, let us improve it, reform it or replace it. By doing nothing, it's surely not going to fix the problem.

I reserve the balance of my time.

Mr. NUGENT. Madam Speaker, I yield 3 minutes to my fellow member of the Rules Committee, a freshman, ROB WOODALL from Georgia.

Mr. WOODALL. Madam Speaker, I very much appreciate that. I thank my colleague on the Rules Committee for yielding.

I wanted to come down here and talk about the rule. My colleague from Florida has just made a very impassioned case for why he is likely going to be voting ''no'' on the underlying legislation. If I understood his comments correctly, I'm guessing that it's going to be a ''no'' vote after we have finished 6 hours of debate on this bill—6 hours of debate—which is the kind of debate that a bill of this nature demands. And I'm very proud that the Rules Committee set aside that kind of time. I was fortunate enough to have one of my amendments made in order by the Rules Committee, as was my friend from Florida, but a lot of Members were not.

I wanted to come down here, Madam Speaker, to speak to the authorizers, the chairmen out there who are sending this legislation to the floor. Because what we have in this House is called the CutGo rule, which says if you bring a bill to the floor that's actually going to do some reducing of the Federal deficit, if you're going to be bold enough in this House to send a bill to the floor that's going to reduce the burden that we're placing on our children and grandchildren everyday, then nothing that happens on the floor of the House as we try to amend that bill will be allowed to reduce that savings.

So when a bill comes to the floor, as this bill has, H.R. 5, that has a very high CutGo number in it, we're in a box. It cannot be amended with different ideas because those ideas are either not germane—germaneness means that it has to be relevant to the underlying legislation—or they can't cut any additional funds. So what we had to do in the Rules Committee yesterday was reject amendment after amendment after amendment that our colleagues offered that we would ordinarily have made in order here on the House floor in what has been the single most open Congress that I have seen in my lifetime. I'm a freshman on the floor of this House, but I've been watching this institution. This is the single most open Congress I've seen in my lifetime, but we were not able to make more amendments in order because they were not germane or they violated CutGo. To the Rules Committee's credit, we did not waive CutGo. We complied with the rules of this House.

But I just say to my friends who are on those authorizing committees, if you want to take advantage of the Rules Committee in this Congress that is providing more opportunity for more debate and more amendment and more discussion than we have seen in decades, you need to be cognizant when you send those bills to the Rules Committee that we are not inclined to waive CutGo—and rightfully so—and we are not inclined to waive the germaneness rules—and rightfully so.

What that means today is we're going to have the narrow discussion, that my friend from Florida has laid out, on the merits of this bill for over 6 hours today. I want to thank my friend on the Rules Committee for his leadership in bringing such an open rule to the floor, in bringing such an expansive rule to the floor and in genuinely providing the kind of opportunity for debate, even though I disagree with my friend from Florida on his underlying assertions, providing the opportunity for debate the likes of which America has not seen in decades.

Mr. HASTINGS of Florida. Madam Speaker, my friend from Georgia—and he is my friend—pointed out that his amendment was made in order yesterday. I might add, in keeping with the notion if you can't have it both ways, he would strike all the findings. And it seems to me that that's admitting justification for the authority to pass Federal tort reform. But it directly contradicts the same constitutional arguments they will be making next week before the United States Supreme Court in their effort to repeal the Patient Protection and Affordable Care Act, a bill which many of the same conservative lawmakers argue that Congress did not have the constitutional authority to pass.

I am very pleased to yield 3 minutes to my very good friend from New Jersey, a member of the Budget Committee, the distinguished gentleman (Mr. ANDREWS).

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

Mr. ANDREWS. I thank my friend for yielding.

Whether you're a Republican or a Democrat, a liberal or conservative, no matter where you live, I think most people agree that the number one issue confronting our country is the lack of jobs for the American people. It is the central issue of our times, central problem of our times. The American people want us to look forward and work together and solve that problem rather than looking backward and relitigating political debates.

One hundred ninety-five days ago, the President of the United States came to this Chamber and set forth a series of specific ideas to put Americans back to work. One of those ideas was to put construction workers back to work in repairing and building our roads and bridges, building schools, wiring schools for the Internet, and in putting our construction industry and transportation industry back to work. We're going to spend 6 hours debating whether to repeal part of the health care bill—again. We're not going to spend 6 minutes debating a bill that would put our construction workers back to work fixing our roads and bridges.

The Republican leadership of the House is kind of isolated on this because Democrats in the other body voted for a bill to put our construction workers back to work; and Republicans in the other body voted for the same bill. Three-quarters of the Senate voted for a bill to put our construction workers back to work.

The Democrats are ready to vote for that bill. We introduced a version of that yesterday that says let's do that here, but the House Republican leadership won't put this bill on the floor. So instead what we're going to do is have what are recurring debates about whether to repeal the health care bill.

People feel very strongly about the health care bill, pro and con; but I think most people feel even more strongly it's the wrong thing for us to be talking about right now. If there's a bill that three-quarters of the Senate voted for to put Americans back to work, why don't we vote on that here today? Instead, what we're going to do is vote on repealing part of the bill that talks about a committee that might or might not take action 5 years

from now to do something about the way Medicare money is spent.

□ 1320

I think if you said to a Republican or a Democrat, a liberal or a conservative anywhere in this country, What would you like your House of Representatives to be voting on today: a bill that three-quarters of the Senate agreed to to put construction transportation workers back to work, or a bill that will decide whether a body will or won't act 5 years from now on the way Medicare is going to be run? I think we all know the answer to that.

The right thing to do is to oppose this rule and instead put on the floor the Senate transportation bill that three-quarters of the Senate voted for. Let's approve it, let's put it on the President's desk, and let's finally work together to put Americans back to work.

Mr. NUGENT. Madam Speaker, I love the hyperbole. I love my friend from Florida's passionate discourse earlier in this conversation. But he was right. You can't have it both ways.

Here's the problem. In their idea of having it both ways, they talk about medical malpractice as if, if we do nothing, things get better. If we ignore tort reform, things get better. If we ignore tort reform, costs of health care will stay the same. Well, in fact, it hasn't. It continues to rise.

We talk about higher health care costs, but when we talk about that and we talk about IPAB in particular, 15—15—unelected bureaucrats. The maximum number that can be on that panel is seven physicians—seven—so they're outvoted already. They're outvoted 8–7. No matter what they think is the proper care for a patient, they're going to be overridden by eight other bureaucrats that have nothing to do with providing health care to our seniors—not a thing.

It's all going to be about costs. And they're right: that's how you're going to contain costs, by removing the options for seniors to get the medical care that they deserve and that they need.

This independent panel is a rationing board. It's going to ration health care out because that's the only way that panel can save money for the Affordable Care Act. It was designed that way. It was designed to keep us—the American people that are going to use that service, that medical care—from getting it because physicians, when they get their payments cut, will no longer offer service. So where are we supposed to go? That is rationing. That's taking away service from people that need it the most, from those seniors that have paid into this system for their lifetimes and who are now depending on it to be there when they medically need it the most.

This is about the seniors that are in my district. I have 250,000 seniors, a quarter of a million, that rely upon Medicare. And if we're going to start rationing care to them, I think it's immoral, it's unethical, and it's not the way we should be doing it. We should be doing it by the free market. We should be talking about tort reform. Everybody agrees we need tort reform. Even the gentleman from Florida talked about the high cost of medical malpractice insurance. Well, where does that come from? It doesn't just spring up out of the Earth. It comes up because of a reason: because of the increased cost to provide medical malpractice. And, particularly for doctors, where it drives up the cost of medical care is that defensive medical care. That's what's driving up the cost along with the premiums that they have to pay because of the lack of tort reform.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. I yield myself such time as I may consume, and I will be very brief before yielding to my friend from the Rules Committee.

My friend from Florida says that he appreciates the hyperbole. I hyperbole on occasion when I find that my friends who are taking positions that are going to hurt people require everything from hyperbole to passion to try to get the American people to readily understand. And to demonstrate what I'm talking about, my friend just stood and said that the IPAB board will be rationing. The statute, the provision giving rise to it, if it ever comes into existence in the future, specifically says that they cannot ration. I don't know whether my friend read that provision or not.

But I am pleased to yield 1 minute to my friend on the Rules Committee, the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. I thank the gentleman from Florida.

We're in an unusual situation here where the same people on the other side of the aisle who decry the regulation of what insurance providers have to provide to those they insure across State borders and who want to interfere with our requirement that insurance companies not be allowed to discriminate based on preexisting conditions, on the other hand they say we need to replace the State tort systems, all 50 of them, with one overarching Federal approach with regard to malpractice.

So whereas there is no Federal role in protecting patients from being dropped by their insurers, from preventing insurance companies from excluding individuals because they had childhood asthma, because they're a breast cancer survivor, and in many cases even because they have a child, while there is no Federal role for that, somehow there is a Federal role in micromanaging the way in which somebody who was wrongfully injured by a botched procedure can seek recourse.

I ask my colleagues, not only where is the consistency, but how can we reconcile this with our values as Americans?

Mr. NUGENT. Madam Speaker, I have to agree with my good friend from Florida on one issue, and that's in regard to rationing. You're right, it's not in the act. But if it walks like a duck, quacks like a duck, then it's a duck, because this board, this unelected board, is going to make decisions that Congress can't even touch. This board is going to say, this is the amount of money we will pay for this procedure. It doesn't matter if that's what the procedure costs. It doesn't matter that this doesn't cover the cost of the physician. It doesn't matter that what's going to happen is our physicians are going to refuse to see those patients.

Madam Speaker, that is rationing. Call it what you want. That is rationing when you have an independent board that can make decisions in regard to the cost of services that you're going to make or decisions for you to have services by a particular doctor. We see it already today. In my physician's office it already says, ''We do not take new Medicare patients.''

It's going to get worse. And this board, while it may not call it ''rationing''—I give them great credit for not putting that in the terminology of the Affordable Care Act—it is rationing no matter what you call it.

I reserve the balance of my time.

Mr. HASTINGS of Florida. I yield myself such time as I may consume.

I would be happy to yield to my friend just for a moment. So then what you're saying is, the IPAB board, which may bring down costs—and I might add you just said that Congress could not touch it, quoting you—that's not true. Congress could change it as long as it stays within the prescribed limits, and that is simply what the law, itself, says.

But what is the Republican plan? As I understand it from Mr. RYAN's budget as offered yesterday, it would be a premium system for Medicare. Now you've just said that rationing by any other name or that you know it when it's a duck, and all of that kind of stuff. Well, a voucher by any other name is still a voucher, and you're going to tell me that that's a good system?

I yield to my friend.

Mr. NUGENT. If you look at what the Ryan plan said, it also talks about what we currently have today and that, if you want to keep what you have today in the way of Medicare, you keep it. But if you want to go out and buy your own insurance through a select group, you can do it, just as you can today, in regards to Medicare Advantage, but that's a choice that I can make.

I thank you for giving me the time.

Mr. HASTINGS of Florida. I reclaim my time only to say that you had it right, ''select.'' For example, our Governor in the State of Florida had one of those select provisions, and he's one of those people that wants us to turn everything over.

I happened to have had the good fortune yesterday of having the chairman

of Blue Cross Blue Shield visit me, who thinks that this particular measure is something that would be helpful in his industry, but that's something for another day.

Madam Speaker, if we defeat the previous question, I'm going to offer an amendment to the rule to provide that immediately after the House adopts this rule that it bring up H.R. 14, the House companion to the bipartisan Senate transportation bill.

□ 1330

I am pleased now to yield 3 minutes to my good friend, the distinguished gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. I thank my friend from Florida for yielding.

Time and time again over the last several months, we have heard from Republican leadership. We've heard their talk about the highway bill, H.R. 7, and they've talked about it as their principle jobs bill for the 112th Congress. Well, here we are, March 21, 10 days before the expiration of the current extension of the surface transportation bill, and where are we with respect to this incredibly important jobs legislation? We're nowhere. We're absolutely nowhere.

As of today, House Republicans have yet to put forward a credible highway reauthorization that puts Americans back to work. Their only attempt, H.R. 7, the Boehner-Mica authorization, was passed on February 14 in the Transportation Committee—passed on a party-line vote with, in fact, a couple of Republicans voting against it. Then something happened on the way to the floor. On the way to the floor, the Republican leadership realized that they didn't have the votes on their side of the aisle to pass it.

And what about this bill? Well, Secretary Ray LaHood, a former distinguished Member of this body, Republican from Illinois, current Transportation Secretary, described it as the worst highway bill he's ever seen. He's been in public life for 35 years; he said it was the worst he's ever seen.

The bill was drafted in the dark of night without any Democratic input. Remarkably, it removed transit from the highway trust fund—removed the guaranteed Federal funding that's been in place on a bipartisan basis for 30 years, removed it. It couldn't attract, understandably, a single Democratic vote; but they found out on the way to the floor that they couldn't get enough Republican votes to pass it either.

Now, I'm proud to be offering the Senate bill, MAP–21. We're calling it H.R. 14 here in the House. This bipartisan legislation should refocus the discussion on jobs and economic opportunities rather than the Republican message this week of tearing down Medicare and protecting the 1 percent at the expense of middle class families.

MAP–21, or H.R. 14, represents a bipartisan path forward that makes meaningful reforms and provides certainty to States. MAP–21 passed overwhelmingly in the Senate with a bipartisan majority. As you heard Mr. ANDREWS say, three-quarters of the Senate voted for this bill. It's fully paid for—something that the House Republicans seem unable to come close to achieving—and the MAP–21, H.R. 14, pay-fors are less controversial than the pay-fors in the House Republican bill.

It's been estimated that this bill will save 1.8 million jobs and create up to 1 million more jobs. During a weak economic recovery looking for a jump-start, why aren't we passing this bill? Why aren't we even debating this bill? Why are we 10 days away from the expiration of the current extension and there is no plan in this House to move forward?

Is H.R. 14 the silver bullet to our surface transportation needs? No, it's not.

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

Mr. HASTINGS of Florida. I yield the gentleman 1 additional minute.

Mr. BISHOP of New York. I appreciate the gentleman for yielding.

There is no silver bullet when it comes to our infrastructure needs. I, and a great many others, would prefer a 5-year bill; but given the hyper-partisan fashion in which the House Republicans have advanced H.R. 7 and some of the deeply flawed proposals included in their bill, H.R. 14 is the only proposal out there that currently Democrats and Republicans can stand behind. Democrats will not wait around for House Republicans to pander to their base and chase ideological extremes. Americans want jobs and safe roads and safe bridges.

The Senate passed the biggest job-creating bill in this Congress by an overwhelming bipartisan margin. The House has done nothing. Let's get this country moving again by passing H.R. 14 so the President can sign it. Let's create jobs. Let's make it in America, and let's pass this bill.

Mr. NUGENT. Madam Speaker, may I inquire of my good friend from Florida how many more speakers he may have.

Mr. HASTINGS of Florida. I appreciate the gentleman for asking.

Madam Speaker, would you advise both of us how much time each has.

The SPEAKER pro tempore. The gentleman from Florida (Mr. HASTINGS) has 6 minutes remaining, and the gentleman from Florida (Mr. NUGENT) has 14 minutes.

Mr. HASTINGS of Florida. I have more speakers than I have time; but I know that during that period of time, I'm going to have at least two more speakers and possibly three.

Mr. NUGENT. I continue to reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 2 minutes to my good friend, the distinguished gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Repeal and replace, that's what the Republicans said they will do. Well, what's the replacement? Apparently, it's the Ryan voucher plan, which will stick it to seniors in the future—not too good of a replacement.

But the other thing they're repealing that they don't want to talk about is they're repealing restrictions on age discrimination by the insurance industry. They would be repealing the restrictions on preexisting conditions to discriminate against people—redline them, essentially, by the insurance industry—and they would be repealing the provision of reviewing excessive rate increases which has been already successful in California this year.

So the Republicans have come forward with this one part of the bill. They've already repealed all of ObamaCare, but now they're going to repeal it bit by bit because they don't want to do real things like deal with our transportation system and that.

But there is one particularly objectionable part of this. They're going to pretend that they're taking away the antitrust protection of the insurance industry. Remember, this is an industry that can and does get together and collude to drive up our premiums. And after the Republicans do away with age discrimination, preexisting conditions, and rate increases, the industry is going to have a field day.

So they're pretending that they're going to allow suits against the industry for antitrust violations. Unfortunately, not really. If someone wants to bring a suit, they can't do it as a class action. Well, more than 90 percent of antitrust suits are brought as class actions. Individuals do not have the resources to take on the insurance industry.

So they're going to take something that in the last Congress was bipartisan—a bill I had to take away, really take away, the antitrust immunity in the insurance industry and give a benefit to all consumers in this country, passed this House by 406–19—and now they're going to fake out, they think, the American people by pretending they're taking on the insurance industry while they're filling their pockets with contributions from them.

Good work, guys.

Mr. NUGENT. Madam Speaker, I'm a little confused because I thought we were talking about other issues than what the gentleman was just speaking to, particularly as relates to IPAB and about tort reform.

I'll be happy to reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 1 minute to my good friend, the distinguished gentlewoman from California (Ms. RICHARDSON).

Ms. RICHARDSON. I thank the gentleman for yielding so that I might speak to the House companion bill to MAP–21, or H.R. 14, of which I'm a cosponsor.

MAP–21, which we call H.R. 14 going forward, will generate jobs, repair roads and bridges, and invest in our infrastructure. This surface transportation authorization bill passed by the

Senate with a majority and with bipartisan support.

I come before you today to urge my colleagues to bring this bill forward, H.R. 14, so that we might establish some consistency, unlike what we saw with the FAA reauthorization, consistency for States, for companies, for workers, for projects that need to get done. This bill will maintain current funding levels for highways and public transportation; it will consolidate and streamline highway programs; and will establish a much-needed national freight program, which is something I've been advocating for my entire time in Congress.

This bill will authorize $1 billion for projects of national significance, which many of us feel in our own particular districts.

H.R. 14 also improves safety, institutes performance measures, and improves accountability for transportation infrastructure investments.

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

Mr. HASTINGS of Florida. I yield the gentlelady an additional 30 seconds.

Ms. RICHARDSON. Now is the time for swift action by this House on a bipartisan Senate bill that will create and save at least 132,000 jobs in my area alone.

Transportation has always been bipartisan. Let's keep it that way in this House. I urge the support of H.R. 14.

Mr. NUGENT. Madam Speaker, I continue to reserve the balance of my time.

□ 1340

Mr. HASTINGS of Florida. Madam Speaker, would you tell me just how much time I do have.

The SPEAKER pro tempore. The gentleman from Florida has 2½ minutes remaining.

Mr. HASTINGS of Florida. Madam Speaker, I thank my friend for the debate and the time that he's allowed us. I thank all of our colleagues who came here.

This H.R. 5 is going to be devastating to medical malpractice victims. Patients shouldn't have to pay the price for excessive malpractice insurance.

If we want to reform the medical liability system, let us start with addressing insurance costs and physicians' premiums. Let us start with finding strategies to reduce and prevent mistakes and crack down on repeat offenders. Today, 5 percent of all doctors are responsible for 54 percent of malpractice claims paid.

Let's not start with penalizing patients for injuries due to no fault of their own. Let's not give the American people another reason to believe that Congress is out of touch. Thousands of people die each and every year due to medical malpractice. This is not frivolous.

We had 16 of our Members come forward yesterday to offer amendments. We're going to have 6 hours of debate on six, ostensibly, because we, in the Rules Committee who have the power, refused to waive the power to allow those amendments to come in, some that included things such as not being able to allow a child 3 years old who may have a matter that doesn't manifest itself until he or she is 8 be barred because of time constraints, measures that deal with, like the pediatrician in Delaware who raped 100 or more children, babies, and that position would not be allowed for.

I know that one would argue that some lawsuits are frivolous, and they are. I am a lawyer. I am a trial lawyer, and so I clearly support the trial lawyers, so as how that's understood with my bona fides. But when people are dying, that's not frivolous; and, as I said, people want the best lawyer that they can find.

Madam Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

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

There was no objection.

Mr. HASTINGS of Florida. I urge my colleagues to vote ''no'' and to defeat the previous question. I urge a ''no'' vote on the rule, and I do so for the reason that this measure does nothing, is going nowhere, will go to the Senate and will not pass, and everybody in this House knows it.

We have to stop doing nothing and do something for the American people and jobs.

I yield back the balance of my time.

Mr. NUGENT. Madam Speaker, in closing, I appreciate my good friend's confession about being a trial lawyer. I'm not. I'm not an attorney. So what I'm worried about is not how attorneys enrich themselves; I'm worried about the people that I represent, the 250,000-plus that are on Medicare. I'm concerned about them.

You hear from the other side, well, don't worry about it. It could be 5, 10 years from now. Well, you know what? I'm concerned now because why would you have something put in place that's going to ration care to our seniors when they need it the most? That's when they need it the most. We should be advocating for them, not for trial lawyers. We should be here talking about tort reform to lower the cost. If you look at what California did, they're a model. They set up a model program. Their liability insurance for doctors is lower than the average across the board in the United States. This act, the HEALTH Act, is modeled after that.

In regards to the noneconomic damages, limits on contingency fees for lawyers, big one there; about fair share, about proportional, whoever's at fault. It's a proportion of that reference to how the claim gets paid out. And I heard this talked about before: But will the health care act work to reduce health care costs and lower the deficit? According to the CBO, it will. It will be an average of 25 to 30 percent below what it would be under current law, which is IPAB today, 25 to 30 percent less than what the current law, IPAB, calls for.

Is this important? I think the relationship between a patient and a doctor should be between a patient and a doctor and not have a middleman, called the United States Government, stepping in between you to say, ''You know what? We don't think that that service deserves a certain level of payment,'' and by reducing that payment we know that that service is not going to be provided. I truly don't believe that that's where we should be as a government, and I certainly don't believe that we should be in between the patients and their physicians.

I also worry about—and I hear this from docs all the time back in my district—Rich, you know what's going to happen? We're just going to close our doors. Those that are entering the profession, there's less and less because they're concerned about how they're going to make a living, how they're going to pay back those student loans that they have, because they really want to pay it back. They want to do the right thing. But how are they going to do that if they can't open a practice and if they can't take Medicare patients because this board makes a decision to lower the cost of reimbursement?

We've seen it already. Every time we do a doc fix, we have more and more doctors that are in trouble because of the fact they don't know what tomorrow's going to bring, and I don't want our seniors to worry about what tomorrow is going to bring. I don't want to balance the budget on the back of our seniors. That's not where we need to be.

As we move along here, the reason I stand here today is that I support and I will defend our seniors, which is why I support H.R. 5, because it's common sense.

Like I said, I'm not an attorney. I'm not a lawyer, so I have but one constituency that I worry about at this point on this particular issue, and it is this issue. You put all kinds of other stuff out there about transportation and all these things, but this is the pressing issue today in front of us. The issue is about tort reform. The issue is about IPAB and repealing IPAB so our seniors can have a direct relationship with a physician of their choice, and that's the important part.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

AN AMENDMENT TO H. RES. 591 OFFERED BY MR. HASTINGS OF FLORIDA

At the end of the resolution, add the following new sections:

SEC. 2. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole

House on the state of the Union for consideration of a bill consisting of the text of the bill (H.R. 14) to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of , the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of the bill specified in section 2 of this resolution.

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Republican majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: ''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. NUGENT. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. HASTINGS of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

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 1 o'clock and 48 minutes p.m.), the House stood in recess.

□ 1415

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HASTINGS of Washington) at 2 o'clock and 15 minutes p.m.

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

Votes will be taken in the following order:

Ordering the previous question on H. Res. 591;

Adopting H. Res. 591, if ordered;

Suspending the rules and concurring in the Senate amendment to H.R. 886; and

Agreeing to the Speaker's approval of the Journal, if ordered.

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

PROVIDING FOR CONSIDERATION OF H.R. 5, PROTECTING ACCESS TO HEALTHCARE ACT

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 591) providing for consideration of the bill (H.R. 5) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 231, nays 179, answered ''present'' 1, not voting 20, as follows:

[Roll No. 118]

YEAS—231

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent

Nunes
Nunnelee
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—179

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson Lee (TX)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Terry
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

ANSWERED ''PRESENT''—1

Johnson (IL)

NOT VOTING—20

Bachus
Bono Mack
Cardoza
Chaffetz
Cuellar
Davis (IL)
Garamendi
Gonzalez
Jackson (IL)
Johnson (GA)
Kinzinger (IL)
Lee (CA)
Manzullo
Marchant
Marino
Olson
Paul
Rangel
Reed
Thompson (MS)

□ 1442

Messrs. CARSON of Indiana, TONKO, PASCRELL, COSTA, LEWIS of Georgia, LARSON of Connecticut, and Van HOLLEN changed their vote from ''yea'' to ''nay.''

Mrs. HARTZLER, Messrs. COFFMAN of Colorado and PRICE of Georgia changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. REED. Mr. Speaker, on rollcall No. 118 I was unavoidably detained. Had I been present, I would have voted "yea."

The SPEAKER pro tempore. The question is on the resolution.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 233, noes 182, answered ''present'' 1, not voting 15, as follows:

[Roll No. 119]

AYES—233

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Marchant
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—182

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gohmert
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Poe (TX)
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Terry
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

ANSWERED ''PRESENT''—1

Johnson (IL)

NOT VOTING—15

Bachus
Bono Mack
Chaffetz
Davis (IL)
Gonzalez
Jackson (IL)
Jackson Lee (TX)
Kinzinger (IL)
Lee (CA)

Manzullo
Marino
Paul
Rangel
Schweikert
Thompson (MS)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1451

So 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 against:

Ms. JACKSON LEE of Texas. Mr. Speaker, on rollcall No. 119 on H. Res. 591, the Rule on H.R. 5, I was unavoidably detained. Had I been present, I would have voted "no."

UNITED STATES MARSHALS SERVICE 225TH ANNIVERSARY COMMEMORATIVE COIN ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendment to the bill (H.R. 886) to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service, 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 Ohio (Mr. STIVERS) that the House suspend the rules and concur in the Senate amendment.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 2, answered "present" 2, not voting 18, as follows:

[Roll No. 120]

YEAS—409

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amodei
Andrews
Austria
Baca
Bachmann
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Filner
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—2

Amash
Polis

ANSWERED "PRESENT"—2

Duncan (SC)
Mulvaney

NOT VOTING—18

Bachus
Bono Mack
Chaffetz
Davis (IL)
Dold
Frelinghuysen
Gingrey (GA)
Gonzalez
Green, Gene
Jackson (IL)
Kinzinger (IL)
Lee (CA)
Manzullo
Marino
Paul
Rangel
Thompson (MS)
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1458

So the Senate amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. DOLD. Mr. Speaker, on rollcall No. 120, I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. GENE GREEN of Texas. Mr. Speaker, on rollcall No. 120, had I been present, I would have voted "yea."

THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 308, nays 101, answered "present" 3, not voting 19, as follows:

[Roll No. 121]

YEAS—308

Ackerman
Aderholt
Akin
Alexander
Altmire
Austria
Baca
Bachmann
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Becerra
Berg
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Boren
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Chabot
Chandler
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Coble
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Crawford
Crenshaw
Crowley
Culberson
Cummings
Davis (CA)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dreier
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel

Eshoo
Farenthold
Farr
Fattah
Fincher
Flake
Fleischmann
Fleming
Flores
Fortenberry
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett
Gibbs
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Green, Al
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heinrich
Hensarling
Herger
Higgins
Hinojosa
Hirono
Hochul
Holden
Hoyer
Huelskamp
Hultgren
Hurt
Issa
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maloney
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meeks
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Pascrell
Paulsen
Pearce
Pence
Perlmutter
Petri
Pingree (ME)
Pitts
Platts
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quigley
Rehberg
Reichert
Richardson
Richmond
Rigell
Rivera
Roby
Rogers (AL)
Rogers (KY)
Rohrabacher
Roskam
Ross (AR)
Ross (FL)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (WI)
Sanchez, Loretta
Scalise
Schiff
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stearns
Stutzman
Sullivan
Sutton
Terry
Thompson (PA)
Thornberry
Tiberi
Tierney
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Walberg
Walden
Walz (MN)
Wasserman Schultz
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woolsey
Yarmuth
Young (FL)

NAYS—101

Adams
Amodei
Andrews
Baldwin
Benishek
Bilbray
Bishop (NY)
Boswell
Brady (PA)
Burgess
Capuano
Castor (FL)
Chu
Clyburn
Coffman (CO)
Conaway
Costa
Costello
Courtney
Cravaack
Critz
Cuellar
Dent
DesJarlais
Dold
Donnelly (IN)
Doyle
Duffy
Filner
Fitzpatrick
Forbes
Foxx
Garamendi
Gardner
Gerlach
Gibson
Graves (MO)
Green, Gene
Griffin (AR)
Grijalva
Hanna
Hastings (FL)
Heck
Herrera Beutler
Himes
Hinchey
Holt
Honda
Huizenga (MI)
Hunter
Israel
Jackson Lee (TX)
Johnson (OH)
Keating
Latham
LoBiondo
Lynch
Marchant
Markey
McCotter
McDermott
McGovern
Meehan
Miller (FL)
Miller, George
Neal
Olver
Pallone
Pastor (AZ)
Pelosi
Peters
Peterson
Poe (TX)
Quayle
Rahall
Reed
Renacci
Reyes
Ribble
Roe (TN)
Rooney
Ros-Lehtinen
Rothman (NJ)
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schilling
Shuler
Slaughter
Stark
Stivers
Thompson (CA)
Thompson (MS)
Tipton
Visclosky
Walsh (IL)
Waters
Woodall
Yoder
Young (AK)

ANSWERED ''PRESENT''—3

Amash
Gohmert
Owens

NOT VOTING—19

Bachus
Bass (CA)
Bono Mack
Canseco
Chaffetz
Davis (IL)
Gonzalez
Jackson (IL)
Kinzinger (IL)
Lee (CA)
Manzullo
Marino
Neugebauer
Paul
Rangel
Rogers (MI)
Rokita
Shuster
Young (IN)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1505

So the Journal was approved.

The result of the vote was announced as above recorded.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3697

Mr. BUCSHON. Mr. Speaker, I ask unanimous consent that I be removed as a cosponsor on H.R. 3697.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3359

Mr. CLAY. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor from H.R. 3359.

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

There was no objection.

PERSONAL EXPLANATION

Ms. JACKSON LEE of Texas. Mr. Speaker, on H. Res. 591, roll call vote 119, I was detained on official business, and I would like to indicate that I would have voted ''no'' on H. Res. 591, the rule to H.R. 5.

PROTECTING ACCESS TO HEALTHCARE ACT

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the legislation and to insert extraneous material on H.R. 5.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 591 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5.

□ 1505

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system, with Mr. WESTMORELAND in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall be confined to the bill and amendments specified in House Resolution 591 and shall not exceed 6 hours equally divided among and controlled by the respective chairs and ranking minority members of the Committees on Energy and Commerce, the Judiciary, and Ways and Means.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Chairman, I yield myself such time as I might consume.

I rise today in support of the PATH Act, which addresses two of the most glaring deficiencies in the President's overhaul of the health care system.

By what it does and also by what it fails to do, the health care law threatens access to quality health care for literally millions of Americans.

Section 3403 of the Affordable Care Act established the Independent Payment Advisory Board, or IPAB. A panel of 15 unelected, unaccountable bureaucrats will be given the power to make major decisions regarding what goods and services are valuable. These decisions will then be fast-tracked, essentially bypassing the legislative process, with almost no opportunity for discussion or review. The PATH Act prevents this by repealing IPAB.

I suspect that most Americans still believe that patients and their doctors should have a voice and should be able to decide what health care services that they find valuable. I think that they still believe that major policy decisions affecting the Medicare program and the health care system in general need to go through the regular legislative process and be subject to the normal system of checks and balances according to the Constitution.

It is encouraging that the cosponsors of legislation to repeal IPAB include 20 Democrats and that the bill was favorably reported out of the Energy and Commerce Committee earlier this month without any recorded opposition—a voice vote.

I encourage my colleagues on both sides of the aisle to support repealing IPAB and not to block its passage at the expense of our seniors in a blind effort to defend the President's signature legislation.

The legislation today also includes reforms that will actually lower the

cost of health care, a glaring omission in the President's health care law. The health care law failed to provide any meaningful reform to the broken and costly medical liability system, which is currently one of the largest cost drivers of our health care system.

The current system is responsible for as much as $200 billion a year in unnecessary spending on defensive medicine. It fails to compensate injured patients in a fair and timely matter, and it threatens access to quality health care by driving good doctors out of high-risk specialties such as obstetrics and neurosurgery.

□ 1510

According to the CBO, these commonsense reforms will reduce the Federal deficit by $48.6 billion over the next 10 years.

How have opponents proposed to fix this present system? They want to spend more; $50 million in grants for State demonstrations, as called for in the health care law, is not a solution. It's an abdication of responsibility. The President promised to look at Republican ideas for medical liability reform. Passing this legislation is the very first step towards allowing the President to make good on that promise.

Health care decisions should be made between a doctor and a patient. That relationship doesn't work when bureaucrats and trial lawyers come between them. So I urge my colleagues to vote in support of this legislation.

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

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to H.R. 5. It combines two very bad ideas into one terrible bill that is anti-senior, anti-consumer, and anti-health.

It's no accident that we're considering the legislation during the second anniversary of the Affordable Care Act, because this is a thinly veiled, partisan attempt to confuse the public and obscure the law's success in covering young people, reducing costs for seniors, and providing improved health benefits.

Title I of the bill before us, the medical malpractice provisions, have been around for over a decade. They have not been enacted under Democratic or Republican Congresses and Presidents because they are an extreme intrusion on the authority of the States to set their own liability rules and would shield bad actors from accountability when they cause injury and death.

Let's be clear: this bill is much broader than traditional medical malpractice legislation. It protects manufacturers, distributors, suppliers, marketers, even promoters of health care products. And it gives them protection even if they intentionally cause harm. Insurance companies and HMOs are protected as well. The bill shields drug and device manufacturers with complete immunity from punitive damages, no matter how reckless their conduct, so long as their products were at one time approved by the FDA.

This bill preempts State action in an area that has traditionally been left to the States. To the extent that we do have a medical malpractice problem in this country, it should be addressed at the State level. But this bill not only strips away State law; it puts in place a Federal scheme that will not reduce medical errors, will not award appropriate and adequate compensation when an injury occurs, and will not lower health care costs.

The second part of the bill would repeal the Independent Payment Advisory Board, which helps keep Medicare costs under control if they rise more than anticipated. IPAB's role is to recommend evidence-based policies to improve Medicare without harming patients.

Repealing IPAB is the height of hypocrisy. The main Republican attack on Medicare and the Affordable Care Act is that we cannot afford them. House Republicans are proposing changes that would destroy Medicare because they say taking care of our seniors just costs too much. Yet today they will vote for a bill that eliminates one of Medicare's cost-saving innovations and saddles Medicare with over $3 billion in unnecessary costs. It's no wonder that the public holds Congress in so little regard.

The Republican master plan for Medicare is to end the guarantee coverage and shift more costs on to seniors and people with disabilities. They don't hold down the costs; they simply shift them on to seniors and disabled people. Under Medicare, they pay more for it out of their own pockets. This is part of the Republican assault on Medicare. It would repeal the backstop in Medicare that keeps Medicare affordable for seniors.

I want to be clear about what the IPAB is and what it isn't. The board is explicitly in statute prohibited from rationing. It also is prohibited from making recommendations that increase costs to seniors or cut benefits. IPAB also doesn't take away the role of Congress. IPAB makes recommendations, but Congress can and should act on those recommendations.

We hear a lot about these unelected bureaucrats. Let me tell you that, around this place, there are a lot of elected bureaucrats. Here is the fundamental difference between the Democratic approach to Medicare and the Republican approach: Democrats in Congress are committed to preserving Medicare and protecting seniors' benefits; Republicans have proposed ending Medicare's guarantee of coverage so they can pay for tax breaks for oil companies and millionaires. Let me underscore that. They want to take money out of Medicare so they can give more tax breaks to billionaires and oil companies.

Like some of my colleagues, I have concerns about some aspects of the IPAB. I don't agree with the premise that we need IPAB to make Congress do its job. But no one should think that the hyperbole of IPAB's Republican critics—rationing, death panels, and faceless bureaucrats pulling the plug on sick patients—represents reality. That came from their propaganda word masters.

House Republicans are voting to repeal the Independent Payment Advisory Board because they simply want to eliminate Medicare. They want to provide vouchers instead of benefits. They want to shift costs to the beneficiaries. They want to put Medicare into a death spiral and leave insurance companies in charge of seniors' care. Then it would be the insurance companies that could then ration care, cut benefits and, according to the Congressional Budget Office, likely increase out-of-pocket costs by $6,000.

Does anybody doubt insurance companies ration care? Try to get an insurance policy if you have a previous medical condition. They won't even cover you, or they will charge you so much you can't afford it. Is that what we want, to let the insurance companies make these decisions for our seniors and disabled people?

H.R. 5 is a partisan assault on Medicare and an assault on patients who are injured by careless doctors and drug companies and an assault on States' rights.

I urge my colleagues to vote ''no'' on H.R. 5.

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

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the chairman emeritus of the Energy and Commerce Committee, Mr. BARTON, the gentleman from Texas.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. I thank the distinguished chairman.

We have just heard an argument from one of the authors, if not the chief author, of the new health care law. So it's understandable that former Chairman Waxman would rise in indignant defense of his product and opposed to this bill.

H.R. 5, the PATH bill, is in actuality a reasoned response to an irrational attempt to socialize health care in the United States of America. The Independent Payment Advisory Board, which this legislation repeals, is an independent 15-member panel appointed by the President, unless the President doesn't appoint it, in which case three of the President's chief advisers become the board. And if they don't decide to do it, then one person, the Secretary of Health and Human Services, has the authority when this kicks in in 2014 to make all kinds of decisions that directly impact health care in America.

I don't think, and a majority of my colleagues don't think, that that's the way it should be done. So this bill in one paragraph—I think on page 24—repeals that section. That is a good start.

It is not the end-all be-all, but it is a good start to regaining control of health care by individuals and the marketplace.

□ 1520

The other thing this bill does is it puts in a medical malpractice reform that has been long overdue. The President, in his State of the Union, said he was for medical malpractice reform, but I am told that he has said he is not for this medical malpractice reform, just like he is not against the Keystone pipeline, but he called Senators to oppose it when it came up in the other body.

We need medical malpractice reform. Independent observers have said that this bill, which Congressman GINGREY of Georgia is the original sponsor of, would save $48 billion over, I think, a 10-year period if enacted—$48 billion. That's real reform. It does not preempt States. It allows the States to continue their medical malpractice laws that they've already enacted.

So I ask that we vote for this piece of legislation.

And I thank the chairman and the subcommittee chairman and all of the Members who have made it possible.

Mr. WAXMAN. Mr. Chairman, I am pleased at this time to yield 3 minutes to the distinguished ranking member and soon-to-be chairman of the Health Subcommittee, the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. I thank the gentleman from California.

I have a great deal of respect for my former chairman and colleague from Texas, but as I listen to him, the problem is that it's always the same: It's my way or the highway. And it's just very unfortunate, because there have been many opportunities in the committee where we could have worked together to come up with legislation on things like malpractice reform and IPAB, but that's not what we get from the Republican side of the aisle. They just constantly want to do their own thing.

And as he said, the President may be for malpractice reform, but if he's not for this malpractice reform, then he's a bad guy. And that's the point: We need to get together. If we're ever going to accomplish anything, we need to work together; and I don't see that happening on the Republican side of the aisle today.

I am very disappointed in the process of considering H.R. 5. I am disappointed and frustrated that my Republican colleagues had an opportunity to bring to the floor a bill that I and some of my Democratic colleagues supported, but what they decided to do instead is to simply play political games, political games over and over again.

All sectors of the health care industry agree that the Independent Payment Advisory Board, IPAB, should be repealed. I am the first one to tell you how much I am opposed to IPAB. In fact, during the Energy and Commerce Committee's Subcommittee on Health markup, I voted in favor of its repeal. But, unfortunately, my Republican colleagues have no interest in truly repealing IPAB. They only care about defacing the Affordable Care Act and continuing their political game of repealing the law piece by piece. How do I know that? Because they've decided to pay for the IPAB repeal with H.R. 5, one of the most controversial and historically partisan bills of the past decade.

We've been through this same debate. Every time, every year, H.R. 5, on the floor again. Each year the Republicans have been in charge, we're forced to consider identical legislation that contains the exact same areas over which we remain divided. In fact, the Republicans weren't even able to enact this bill into law when they had the majorities in the House and Senate and the Presidency, and the reason is because they have zero desire to solve the problems of this country. All they are interested in accomplishing is a political message to take home to their districts.

I have said again and again that I would work with my colleagues on truly addressing malpractice reform, but those calls have gone unanswered. Over the years, there has been little effort on the part of Republicans to reach across the aisle and to work with Democrats on a satisfactory solution to medical liability reform.

I do understand that medical malpractice and liability is a very real problem for doctors in my home State and in the country, but H.R. 5 is not the answer. Any true reform must take a balanced approach and include protections for the legal rights of patients and be limited to medical malpractice.

Today my vote on this package is a ''no'' vote on H.R. 5 alone. As I have stated, it's too controversial and extreme in its current form. Although it's described as a medical malpractice measure, H.R. 5 extends far beyond the field of malpractice liability.

I am just extremely disappointed. I am being honest in saying this. I am very disappointed that the Republican leadership has robbed many Democrats of their ability to vote cleanly on IPAB repeal and have, instead, yet again, politicized this body.

When will you learn?

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentlelady from North Carolina, the vice chairwoman of the Energy and Commerce Committee, Mrs. MYRICK.

Mrs. MYRICK. I thank the chairman.

Mr. Chairman, this is Washington, so we have to have an acronym for everything up here. The IPAB isn't a new techie device but is an example of one of the many misguided parts of the budget-busting health care reform law.

What is this debate really about? We all know that Medicare is headed toward financial catastrophe, and the health reform law only succeeded in putting the program in a more precarious position. There is no easy solution to this problem, but Republicans have put forward a plan that would actually set the program on a healthy fiscal path again, without hurting those who are already on the program.

Of course, because this is Washington, rather than having a hearty debate, this proposal continues to be demagogued and derided. Instead, the health reform bill gave us IPAB, an unaccountable board tasked with limiting procedures and treatments in order to control costs. It's a top-down, unconstitutional, ineffective, and inefficient way to solve Medicare's fiscal problems. And if you think that this board won't make recommendations to limit the use of expensive but life-sustaining treatments, you haven't been paying attention.

But here's something that gets lost in this debate: IPAB doesn't just apply to Medicare benefits for seniors who are on a government program.

First off, those of us who have been here for a while know that private insurers tend to follow Medicare. We see it all the time. Once Medicare changes coverage for a treatment, those decisions push private payers to also move in that direction, because so much of our health care system relies on Medicare's policies. The government already controls so much of our health care sphere that inefficiencies abound.

If that weren't enough, starting in 2015, the IPAB can make decisions about what private plans will cover. Yes, 15 people will be deciding what private companies will be covering. That's what is fundamentally wrong with the health care reform law, and we should repeal the whole thing. But in the meantime, let's repeal this ill-conceived board and address this country's medical malpractice problems while we're at it.

Mr. WAXMAN. Mr. Chairman, I am pleased to yield to an important member of our committee, the gentleman from Texas (Mr. GREEN) for 2 minutes.

Mr. GENE GREEN of Texas. I thank my colleague, the ranking member on our Energy and Commerce Committee.

I rise in opposition to this bill. I am not opposed to all of it; in fact, I am a strong supporter of the repeal of the IPAB provisions. However, we can't undermine Americans' rights in court through placing arbitrary limits on malpractice cases. That's what this bill before us does. We shouldn't solve a bad policy problem by implementing more bad policy. We should be passing good legislation, not trying to pass something that has no chance of becoming law, and that's what this bill does.

The Affordable Care Act, the underlying statute that this bill is amending, has had an enormous positive impact on the constituents I represent, and the law hasn't totally taken effect yet. But it's getting better. I was proud to support this landmark legislation as part of the Energy and Commerce Committee and on the Health Subcommittee.

Before the passage of the Affordable Care Act, my congressional district had the largest percentage of uninsured of any district in our country. We still have a lot of work to do, but things are getting better. For the last 2 years, 53,000 children in my district can't lose the security offered by health insurance due to preexisting conditions; 3,400 seniors have saved an average of $540 on prescription drugs; 9,000 young people now have health insurance that they didn't have before the Affordable Care Act.

The Affordable Care Act is not perfect, but no bill is perfect. The bill before us today is far from perfect. I support the repeal of IPAB. I opposed IPAB in 2009 when it came up in our committee markup of the Affordable Care Act. I do not believe a panel of outsiders appointed by the President should take responsibility for what Congress needs to do in making decisions on Medicare payment rates. That's part of our job as Members of Congress. However, this bill has stepped too far; and I want to the opportunity to vote on a freestanding IPAB repeal, but I cannot support H.R. 5 because it's a bridge too far.

□ 1530

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. I thank the distinguished chairman.

This bill, contrary to what the gentleman from Texas said, is an opportunity for him to vote to not let bureaucrats make the decision. He has a chance to do this. I'm a little surprised why he's saying he's against the bill. Of course, I think many of us are going to repeat the same arguments.

The fundamental point is that this bill will save almost $50 billion over 10 years. How many people on this side don't want to save money? I think everybody on both sides of the aisle would like to save money. So this is stopping defensive medicine and untold amount of litigation by passing this bill. This could effectively create lower premiums for everybody and lower the cost of health care.

This bill would eliminate, as pointed out even by the gentleman from Texas, the Independent Payment Advisory Board, given the colloquial name of IPAB. Just this morning, as chairman of the Oversight and Investigation Committee, we held a hearing on the President's failed health care law. It's clear that countless pages of regulation, rules, and requirements for ObamaCare have been incredibly confusing. When we had this hearing, it was brought up clearly that this bill, over 2 years old, has given almost 1,700 waivers to entities who cannot comply with this health care bill.

So my constituents and individuals throughout this country view these massive new rules and regulations as increasing interference by the Federal Government into their lives. And, obviously, business communities are seeking waivers. Seventeen hundred entities are asking for waivers because they can't comply. It creates uncertainty in the marketplace.

So for all these reasons we must pass this bill. In fact, IPAB is SGR on steroids. Rather than fixing the SGR problem in the health care law, Democrats are happy to allow continued cuts to physician payments and then double down on further cuts through IPAB. This is a group of 15 unelected bureaucrats who would save Medicare by making draconian cuts to provider payments. Democrats wanted to control the future cost of Medicare by giving unelected, bureaucrats the power to cut payments to hospitals and to our doctors.

If Democrats were serious, they would support this bill. NANCY PELOSI, the former Speaker and minority leader said, ''We have to pass this bill so you can find out what's in it.'' Remember that quote?

I am determined to make sure we don't have to fully implement the bill so we can see what it costs.

Mr. WAXMAN. Mr. Chairman, I'm always amused when I hear people talk about government interference in our lives. If people think Medicare is an unjust government interference in their lives, they can forgo their Medicare, but I don't know too many people who would like to do that. What the Republicans are proposing is to take that Medicare away from them and turn it over to private insurance. Put that to a vote. I don't think the American people would support that either.

I am pleased to yield 2 minutes to a very important member on our committee, especially the Health Committee, the Representative from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. I thank you for yielding.

Mr. Chair, I rise today during a time when we should all be celebrating the many great successes of the Affordable Care Act on its second-year anniversary. Democrats have rightly been applauding the health and economic benefits of affordable, reliable access to high-quality health care services brought about by that landmark law. Not so with our Republican colleagues, who choose to ignore or misrepresent the many benefits millions of people have been enjoying because of the Affordable Care Act.

Then comes this disastrous marriage between two bills—one that will repeal the Independent Payment Advisory Board—which some Democrats like myself support—and the other malpractice bill, which I strongly oppose because it will trample States' rights, providing extraordinary protections for drug and medical device and health insurance companies, making it nearly impossible for those harmed to seek and achieve justice.

I support the IPAB repeal because in its current form it will not achieve significant savings or ensure quality access to health care under Medicare. Additionally, as a physician who practiced for more than two decades, I'm opposed to its broad authority to make recommendations that would detrimentally affect health care providers and eventually Medicare beneficiaries. However, attaching at the very last minute a medical malpractice bill that provides protection to every entity involved in medical malpractice and health care lawsuits except the victim is just plain wrong.

And, no pun intended, but adding insult to injury is the fact that their medical malpractice bill is completely outdated. The bill was designed more than two decades ago. Back then we did have challenges with malpractice insurance, but today those challenges have been addressed. Today, we do not have a malpractice insurance crisis in this country.

I strongly oppose H.R. 5, and encourage my friends on the other side of the aisle in the future, if it's more than just political rhetoric, to quit while they're ahead.

Mr. PITTS. Mr. Chair, at this time I yield 2 minutes to the distinguished vice chairman of the Health Subcommittee, the gentleman from Texas, Dr. BURGESS.

Mr. BURGESS. I thank the chairman for the recognition.

Mr. Chairman, I will focus my remarks on the Independent Payment Advisory Board because it encompasses all that is wrong with the Affordable Care Act. The health law itself contains policies that will disrupt the practice of medicine. Along with the many excesses and constrictions within the law, the Independent Payment Advisory Board represents the very worst of the worst of what will happen.

As a physician, as a Member of Congress, as a father, as a husband, as a patient in his sixties, I am offended by the Independent Payment Advisory Board. This board is not accountable to any constituency, and it exists only to cut provider payments to fit a mathematically created target. The board throws the government into the middle of what should be a sacred relationship between the doctor and the patient. The doctor and the patient should have the power to influence prices and guide care, not this board.

Beyond controlling Medicare, the Independent Payment Advisory Board's rationing edicts will serve as a benchmark for private insurance carriers' own payment changes. Although Mr. WAXMAN bemoaned the fact that private insurance would be part of Medicare, this thing will actually dictate the behavior of private insurances in this country.

The board will have far-reaching implications beyond Medicare for our Nation's doctors. Because of the limitations on what the control board can cut, the majority of spending reductions will come from cuts to part B, the doctors' fees. Doctors will become increasingly unable to provide the

services that the board has decided are not valuable.

Is the answer to squeeze out doctors? Sounds like rationing to me.

So which sounds like the better—Medicare bankruptcy and an unelected board deciding the care of Medicare beneficiaries or doctors and patients deciding and defending the right of the care that they receive?

The future of American health care should not be left up to this board, to this panel. It's an aloof arbiter of health care for seniors who depend on Medicare. I support the repeal of the Independent Payment Advisory Board.

I'll just leave you with a quote from the American Medical Association:

> It puts our health policy and payment decisions in the hands of an independent body with no accountability. Major changes in the Medicare program should be decided by elected officials.

The American Medical Association.

Mr. WAXMAN. Mr. Chairman, I am pleased to yield 3 minutes to my colleague from California, one of the key people in the authorship of the Affordable Care Act, GEORGE MILLER.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding.

Mr. Chair, I came to Congress in 1975. Since that time, I've been involved in the debate over national health reform proposals. Throughout these debates, lawmakers struggled with how to control costs without sacrificing quality care. Unfortunately, for decades, Congress chose to kick the can down the road while costs continue to climb and to soar. This trend ended with Affordable Care Act.

For the first time, Congress put in place specific and identifiable measures that will make our health care system more transparent and efficient. This includes the creation of the Independent Payment Advisory Board. This board will be a backstop to ensure that Federal health programs operate efficiently and effectively for both seniors and taxpayers. We need to give these innovations a chance to work. Because without these innovations, there's little hope to get health care costs under control.

Five hundred thirty-five Members of Congress cannot be nor should they be the doctors who think they know best of the practice of every medical field. Five hundred thirty-five Members of Congress are not immune to special interests that have a financial stake in the decisions that are made—not necessarily in the best interest of the seniors, the taxpayers, or the delivery of medicine in this country, but perhaps in the best interest of their companies. That's why the Affordable Act created an independent board of health experts to make the recommendations to improve the system. It does not usurp the role of Congress. It simply acts as a fail-safe in case government spending exceeds benchmarks. Under the law, doctors will retain full authority to recommend the treatments they think are best for patients. The law also prohibits recommendations that would ration care, change premiums, or reduce Medicare benefits.

In short, this independent board is about strengthening Medicare with evidence-based decisionmaking. Without innovative reforms like the board, Medicare's future will be put in jeopardy. Kicking this can down the road any further will only bolster those who seek to kill Medicare. We must strengthen Medicare, not end the Medicare guarantee.

The Affordable Care Act strengthened Medicare. It extended the life of the trust fund and has already lowered costs for millions of seniors. However, without innovation, our current system will be unsustainable for our Nation's families, businesses, and taxpayers.

The Republican plan to end the Medicare guarantee is no alternative. Innovation is the alternative. I urge my colleagues to support the Independent Payment Advisory Board and reject this legislation.

□ 1540

Mr. PITTS. Mr. Chairman, I would much rather hear from some of our doctor friends who are speaking so eloquently. I have another doctor, a member of the Health Subcommittee, from Pennsylvania. I yield 2 minutes to the distinguished gentleman, Dr. TIM MURPHY.

Mr. MURPHY of Pennsylvania. I thank the gentleman.

Last decade, when I was a State senator of Pennsylvania, I took on HMOs and plans that made decisions by accountants and MBAs and not MDs. It was important to do that because we found that doctors could not make decisions even though they were supposedly empowered to do that. Instead, there were boards that would make decisions for them.

And now here we are with deja vu all over again. We're about to have 15 Presidential appointees—even under the advice of both Chambers of Congress—none of whom are involved with medicine, making decisions with regard to who makes decisions for you in terms of what gets paid and how much gets paid to doctors and hospitals. But as it goes through, what happens if there's a decision that says it's not going to be covered? Can you call the board, itself? No. Can your doctor call the board? No. Can your hospital call the board? No. Can your Member of Congress call the board? No. But, in fact, it would take an act of Congress passed by the House and Senate and signed by the President to override them.

So who is this panel, and what decisions can they make? By law, it's people who are involved with finance, economics, hospital administration, reimbursements, some physicians, health professionals, pharmacy benefit managers, employers, people involved with outcome research and medical health services and economics.

What's missing from that is any requirement that it might be people who have knowledge of such things as oncology, endocrinology, pediatrics, obstetrics, geriatric medicine, family medicine and surgery, and the list goes on and on. So, in other words, what's going to happen here is not only if you like your doctor you may not be able to keep him or her, but if your doctor doesn't like what's going to be covered, there is nothing he or she can do about that. This is not the practice of medicine; this is the practice of government overtaking medicine.

While Americans were begging for us to fix a broken system, what they got was half a trillion in new taxes, half a trillion in Medicare cuts, trillions in new costs, and massive mandates—1,978 new responsibilities of the Secretary of Health and 150 boards, panels, and commissions yet to be appointed. And we don't know what's going to happen. We need to return health care to where it really is going to be fixed.

Mr. WAXMAN. Mr. Chairman, I yield myself 1 minute.

We're talking about the Independent Payment Advisory Board—advisory board.

> The appointed membership of the Board shall include physicians and other health professionals, experts in the area of pharmaco-economics or prescription drug benefit programs, employers, third-party payers, individuals skilled in the conduct and interpretation of biomedical, health services.

Dot, dot, dot. These are people who will give us some recommendations, but they can't give us recommendations to take away services. They can't give us a recommendation to impose more costs on the Medicare beneficiaries. And when they give us their recommendations, Congress can act on it. And if we don't like it, we can change them.

I think we have the Republicans trying to scare people. They come in and say ''Medicare costs too much.'' Well, if it costs too much, that's why we need this backup, to be sure that we're holding down costs. They say, ''it costs too much and therefore let's ends it.'' That doesn't make any sense. I think Americans should not be fooled.

Mr. Chairman, I would like to now yield 3 minutes to my colleague from California, the ranking member of the Subcommittee on Health of the Ways and Means Committee, Mr. STARK.

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

Mr. STARK. I want to thank Mr. WAXMAN for yielding to me at this time.

I rise in opposition to H.R. 5, brought to the floor by my Republican colleagues. It does two things. It repeals IPAB as created in the Affordable Care Act, and it enacts a medical malpractice reform long sought by my Republican friends as a way to protect pharmaceutical companies, medical device companies, and health care providers from any liability or full liability when they cause harm or death.

The medical malpractice part of this bill is so bad that the California Medical Association rejects the bill and says to vote ''no'' unless they had a decent medical malpractice reform part in it. And when the doctors will reject medical malpractice reform issues, you know it's got to be bad.

This extreme proposal is really not needed. I happen to agree with the part of the bill that repeals IPAB. We refused to include it in the House version of health reform. And Congress has always stepped in in its congressional manner to strengthen Medicare's finances when needed, and I see no need for us to relinquish that duty. We only have to look at the health reform law. It has extended solvency; it has slowed spending growth; it has lowered beneficiary costs; it has improved benefits, modernized the delivery system, created new fraud-fighting tools. We've done a good job. In fact, the CBO projects that IPAB won't even be triggered until the next 10 years, proving we've already done our job here in Congress of strengthening Medicare's finances.

Today's Republican support to repeal IPAB isn't a sincere interest in providing Medicare for all. They still want to give us an unfunded or underfunded voucher, slash and burn funding. And despite my opposition to IPAB, it's far less dangerous to Medicare than the Republican voucher plan put forth in the House Republican budget this week. IPAB doesn't undermine Medicare's guaranteed benefits and its ability to reduce Medicare spending. It has guardrails to prevent it. It doesn't permit costs to come from reducing Medicare and increasing costs on beneficiaries. It prohibits rationing, and it has annual limits on the cuts. The Republican voucher plan has none of these protections.

The Republicans are continuing their march begun by Newt Gingrich to have Medicare ''wither on the vine.'' I urge my colleagues to vote ''no'' on yet another political stunt, which really, thankfully, is not destined to become law at this time.

Sacramento, CA, Mar. 15, 2012.

RE. H.R. 5 Protecting Access to Healthcare Act.

CMA Position. Oppose Unless Amended.

Hon. JOHN BOEHNER,
Speaker, House of Representatives,
Washington, DC

Hon. NANCY PELOSI,
Minority Leader, House of Representatives,
Washington, DC.

DEAR SPEAKER BOEHNER AND LEADER PELOSI: The California Medical Association has adopted a position of Oppose Unless Amended on H.R. 5 the ''Protecting Access to Healthcare Act.'' While we strongly support the repeal of the Medicare Independent Payment Advisory Board (IPAB) and appreciate the state preemption of medical liability laws that will preserve California's successful MICRA law, we have serious concerns with two additional medical liability provisions that will expose California physicians to even greater liability despite the bill's stated legislative intent to reduce health care costs and insurance premiums.

SUPPORT REPEAL OF THE MEDICARE INDEPENDENT PAYMENT ADVISORY BOARD (IPAB)

CMA strongly opposes the Medicare Independent Payment Advisory Board (IPAB) which thwarts Congress' stewardship of the Medicare program and gives fifteen unaccountable individuals the power to make significant cuts to Medicare. We believe it is Congress' responsibility to ensure the Medicare program meets the needs of their communities. The IPAB is mandated to make draconian cuts if Medicare spending exceeds unrealistic budget targets in 2014. While we appreciate the necessity to control the growth in health care spending, the IPAB mandate does not leave room to actually reform the program, particularly because hospitals and other providers are exempt from the cuts until 2020. It disproportionately harms physicians who are already challenged to provide care to Medicare patients with limited resources. As you know, physicians are facing large Medicare SGR payment cuts over the next decade as well.

These measures are already forcing more California physicians to limit the number of Medicare patients they can accept. If additional cuts take effect, physicians will be forced to leave the program—harming timely access to quality care for California's seniors and military families.

The IPAB was not part of the House Health Care Reform bill because most of the leaders in the California delegation opposed it. Please continue to stand against an IPAB that takes important decisions out of your hands.

MEDICAL LIABILITY: OPPOSE UNLESS AMENDED

For the last several decades, California's medical liability law—MICRA—has successfully protected patients and physicians. It has kept medical liability insurance affordable and thus, protected access to care for California patients while reducing health care costs. CMA appreciates the provisions in H.R. 5 that allow state preemption and the preservation of California's important MICRA law. While we agree with the intent of H.R. 5—to provide MICRA-like protections for physicians in other states—we have serious concerns with two provisions that will increase physician liability costs not only in California but across the country. We believe these provisions are inconsistent with the stated intent of the legislation to reduce insurance premiums and overall health care costs.

1. Fair Share Rule

California has a joint and several liability law that governs economic damages and allows claimants to recover the full amount of economic damages from any defendant. The Fair Share Rule in H.R. 5 will preempt California's law and put full recovery by injured patients at risk. As written, the Fair Share Rule will dramatically increase the potential for physicians to face enforcement proceedings against their personal assets. This will force physicians to purchase increased medical professional liability insurance coverage, which will significantly increase liability premiums in California for physicians.

Therefore, CMA requests the following amendment that would allow states with joint and several liability laws to maintain those important laws.

Page 23, line 4 Add: (b) Protection of States' Rights and Other Laws.

(1) Any issue that is not governed by any provision of law established by or under this title (including State standards of negligence) shall be governed by otherwise applicable State or Federal law.

(2) This title shall not preempt or supersede any State or Federal law that imposes greater procedural or substantive protections for health care providers and health care organizations from liability, loss, or damages than those provide by this title or create a cause of action *or any State law that governs the allocation or recovery of damages among joint tort feasors.*

2. No Punitive Damages for Medical Products and Devices that Comply with FDA Standards

The CMA has serious concerns with granting complete immunity from punitive damages to medical product and device manufacturers, distributors and suppliers. We believe this will force plaintiffs to look only to physicians and other providers to seek relief and will significantly increase physician exposure and liability costs. CMA believes that the United States Supreme Court decision on this issue in Levine v Wyeth was correct and should remain the law because the alleged benefits of providing immunity to pharmaceuticals companies through preemption are far outweighed by the harm to patient care and physicians.

Therefore. CMA urges that subdivision (c) of Section 106 of Title I of the Protecting Access to Healthcare Act be stricken in its entirety.

At the very least, if Title I, Section 106(c) remains in the bill, the CMA requests the following amendments to protect physicians from punitive damages liability that would otherwise be that of the manufacturers and suppliers of medical products and devices.

Page 10, line 14: (c) No punitive damages for products that comply with FDA standards

(1) In General (A) No punitive damages may be awarded against the manufacturer, distributor, *or prescriber* of a medical product, or a supplier of any component or raw material of such medical products, based on a claim that such product caused the claimant's harm where—

Page 16. Lines 24–25: ''. . . or the manufacturer, distributor supplier, marketer, promoter, [or] seller, *or prescriber* of a medical product, . . .''

Page 17, Lines 15–16: ''. . . or the manufacturer, distributor supplier, marketer, promoter, [or] seller, *or prescriber* of a medical product, . . .''

Page 17, Line 25: ''44. . . or the manufacturer, distributor supplier, marketer, promoter, [or] seller, *or prescriber* of a medical product, . . .''

The CMA urges you to accept these important amendments. We appreciate the efforts to repeal the IPAB, to protect California's MICRA law with a state preemption, and to bring liability relief and lower health care costs to the rest of the nation.

Thank you for this important work.

Sincerely,

JAMES T. HAY, MD,
President.

Mr. PITTS. Mr. Chairman, I'd just like to take 30 seconds to respond to the distinguished ranking member before I yield to Mr. BASS.

He mentioned that this so-called expert panel could have physicians and health care professionals. I refer him to section 3403(g) of PPACA on page 423, specifically on the majority for the panel. There's a specific prohibition that you can't have a majority of health care providers or physicians on IPAB. And as far as these being recommendations, you can't appeal; you can't sue this board. Only with three-fifths vote in both Chambers with commensurate cuts can you overturn their recommendation.

I yield 1 minute to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS of New Hampshire. I thank my friend from Pennsylvania for yielding to me.

Mr. Chairman, I rise in support of the bill consisting of two previous bills—tort law reform and a repeal of the Independent Payment Advisory Board.

I wasn't here when the Obama health care, the Affordable Care Act law, was passed. In listening to the debate over the last half hour, you would have thought that nobody supported this bill. Of all the speakers we've had, I think three have admitted they supported it then, and now you'd think that it never existed. Well, any agency that's scored by CBO to save $3.1 billion is not going to do it by providing more services for seniors or innovation or preservation. It's going to do it by cutting payments to providers or by cutting services to beneficiaries. It's as simple as that.

This is the beginning of, perhaps, the core of what represents a Federal Government takeover of health care services in this country. Sure, there may be a process whereby recommendations could go to the Congress; but instead of the relationship being between a patient and a doctor, it is going to be governed more by a Federal bureaucracy that will make these decisions.

I urge support of the pending bill, H.R. 5.

□ 1550

Mr. WAXMAN. Mr. Chairman, I yield myself 1 minute.

We hear these things now, but we heard them in 1965 when Medicare was being proposed—socialized medicine, an unfair government intrusion into our lives.

Medicare is a popular, successful program. I support it. But the Republicans didn't support it then, and they don't support it now.

The Affordable Care Act is an excellent bill. I proudly voted for it because as a result of that legislation we're already seeing young people being able to get insurance up to 26 years of age on their parents' policies. We're already seeing seniors getting help to pay for their prescription drugs. We are seeing insurance companies prohibited from the abuses where they put lifetime limits, and they're going to be stopped from denying people health insurance because of preexisting medical conditions. This is good, and we're going to get even more benefits for over 30 million Americans when the bill is fully in place.

It's a good bill. The Republicans would like to repeal it. But let's not forget, they didn't want Medicare in the first place.

Mr. Chairman, now that I've used my minute, I would like to yield 3 minutes to a member of our committee from the State of Illinois (Ms. SCHAKOWSKY), who has been very involved in helping seniors on all of these programs, whether it's Social Security or Medicare or Medicaid. She is very knowledgeable and highly respected—a little shorter than the podium, but I'm pleased to yield to her.

(Ms. SCHAKOWSKY asked and was given permission to revise and extend her remarks.)

Ms. SCHAKOWSKY. I thank the gentleman very much for yielding to me.

I hope the American people understand what's going on here today. H.R. 5 represents another in a long line of partisan political attacks on the Affordable Care Act.

Since its passage 2 years ago, this historic law has been under attack. Today's bill would repeal the Independent Payment Advisory Board. The Affordable Care Act is replete with provisions to lower Medicare costs, from unprecedented tools to fight fraud to efficiency reforms. The IPAB is a backstop to those provisions.

What the Affordable Care Act does not do—and what the IPAB is prohibited from doing—is increase costs to seniors and people with disabilities or cut benefits. That may be why my Republican colleagues don't like it. If you look at their proposal to take away the Medicare guarantee and turn it into a voucher program, you can see why. Instead of lowering costs for everyone as the Affordable Care Act does, the Republican plan just shifts costs onto the backs of those who can least afford it—seniors, disabled people, and their families. These are the same people who are harmed by the tort-reform provisions of H.R. 5—Federal intrusion coupled with disregard for injured consumers.

Instead of working to improve health care quality, as the Affordable Care Act does, H.R. 5 simply restricts the rights of patients harmed by dangerous drug companies, nursing homes, medical device manufacturers, doctors, and hospitals.

I am especially opposed to arbitrary caps on noneconomic damages. Economic damages provide compensation for lost wages. Noneconomic damages provide compensation for injuries that are just as real and damaging, injuries liking excruciating pain, disfigurement, loss of a spouse or a grandparent, inability to bear children. These arbitrary caps are particularly discriminatory for seniors and children who don't have lost wages and are not worth much.

H.R. 5—higher costs to seniors and disabled people and fewer legal rights for injured consumers. It's a bad deal on both counts.

I hope the American people understand what is going on here today. H.R. 5 represents another in a long line of partisan political attacks on the Affordable Care Act.

Yesterday, my colleagues on the other side of the aisle released their FY 2013 budget proposal. Once again they propose to repeal the Affordable Care Act and once again they propose to end the Medicare guarantee.

I find it ironic that my colleagues on the other side of the aisle criticize the Medicare program because they claim cost growth is out of control and the program is going bankrupt.

The Medicare provisions of the Affordable Care Act are replete with provisions from cutting fraud to improving the efficiency of health care delivery that will lower costs—without shifting costs to seniors and people with disabilities or cutting the Medicare guarantee. The Independent Payment Advisory Board is designed as a backstop to those provisions—which CB0 tells us will be effective enough that we will not even need IPAB for the next decade.

And, here we are today set to consider legislation to repeal the Independent Payment Advisory Board not because my colleagues on the other side of the aisle have a better idea but because they want to get rid of the entire Affordable Care Act and eliminate Medicare.

If IPAB has to act, the Affordable Care Act explicitly states that it can only make recommendations regarding Medicare and cannot make recommendations that would ration care, raise premiums, increase cost-sharing, restrict benefits or modify eligibility. IPAB is also supposed to consider the effect of its recommendations on Medicare solvency, quality and access to care, the effect on changes in payments to providers, and the impact on those dually eligible for Medicare and Medicaid.

There are certainly ways to improve IPAB and the Affordable Care Act—but the bill before us doesn't make improvements—it just repeals. I wish my colleagues on the other side of the aisle would be honest with seniors, people with disabilities and the American public about their replacement plan.

What exactly is the Republican alternative? My colleagues on the other side of the aisle have talked a lot about Medicare costs and sustainability, but what is their plan? If the alternative is anything like the proposals included in the Republican budget—which shifts costs to seniors and empowers insurance companies—then I choose IPAB.

My colleagues on the other side of the aisle have strategically paired IPAB repeal with medical malpractice reform.

We do have a medical malpractice crisis in this country—but it is not that injured consumers are suing too much—in fact, the number of suits has declined. It is not that injured consumers are receiving exorbitant compensation—in fact, the size of settlements and awards have been stable—tracking the rate of medical inflation.

The crisis we are facing in America is that too many patients are the victims of medical errors and too many good doctors are being overcharged by private insurers. We cannot make this a fight between doctors and trial lawyers and lose sight of the fact that too many Americans will be affected by malpractice. Their lives and the lives of their families will never be the same. It is their interests that we must protect.

One in three patients admitted to a hospital experiences an ''adverse event''—they get the wrong prescription, receive the wrong surgical procedure, acquire an infection. But this goes far beyond preventable medical injuries in hospitals. This legislation is so broadly drafted that it will apply to medical devices, pharmaceutical products, nursing homes and for-profit health insurers.

We haven't any assurance that this bill will reduce the incidence of medical malpractice—nor has anyone given us any assurance that it will lower medical liability premiums. But one thing is certain—it will trample on states' rights and take away long-standing civil justice

rights. Taking away patient rights does not improve the quality of our health care system—it just leaves injured consumers without recourse.

I especially oppose arbitrary caps on noneconomic damages and other restrictions on the rights of medical malpractice victims to seek accountability and compensation for their injuries. We are going to hear from proponents of H.R. 5 that these caps are not harmful because economic costs—medical bills and lost wages—are left uncapped.

But what about injuries that are just as painful but less quantifiable—the inability to bear children, the loss of a spouse or child or grandparent, excruciating pain, permanent and severe disfigurement.

Non-economic damages compensate injured victims for very real injuries—and those who suffer those injuries deserve their full and fair day in court.

H.R. 5 is an attack on victims who, for the rest of their lives, will suffer as a result of negligence and malpractice. We should not add to their pain by denying them their legal rights.

I urge my colleagues to reject H.R. 50.

Mr. PITTS. Mr. Chairman, at this time I yield 1 minute to another distinguished member of the Health Subcommittee, the gentleman from Kentucky (Mr. GUTHRIE).

Mr. GUTHRIE. I thank the gentleman for yielding.

I rise today in support of H.R. 5, legislation to repeal the IPAB and make critical reforms to our medical liability system.

The IPAB was created in the health care law as a way to contain growing costs, but the reality is those savings will likely be found by removing health care decisions from patients and doctors and placing them in the hands of unelected and unaccountable bureaucrats.

H.R. 5 also addresses the critical issue of medical liability reform. Our current tort system is driving doctors out of the practice of medicine. Those who remain are forced to practice defensive medicine, further increasing health care costs.

The Congressional Budget Office has estimated that medical-liability reform will save hardworking taxpayers over $40 billion. H.R. 5 makes two commonsense reforms to protect doctors and patients. I urge my colleagues to support the bill.

Mr. WAXMAN. Mr. Chairman, may I inquire how much time each side has.

The Acting CHAIR (Mr. HASTINGS of Washington). The gentleman from California has 36 minutes remaining, and the gentleman from Pennsylvania has 44 minutes remaining.

Mr. WAXMAN. Mr. Chairman, at this time I'd yield 5 of our 36 minutes to the gentleman from Iowa (Mr. BRALEY).

Mr. BRALEY of Iowa. I thank the gentleman for yielding.

Mr. Chairman, here we go again. My conservative friends are once more trying to take away rights of American citizens that are as old as the Declaration of Independence and the Bill of Rights. They're doing it by talking about taking away the rights of patients without ever mentioning the words ''patient safety.''

This issue has been with us for a long time. In fact, about 10 years ago, the highly regarded Institutes of Medicine did three studies on the issue of patient safety and the alarming cost it adds to our overall health care delivery system.

The first of their studies was called ''To Err is Human: Building a Safer Health System.'' On this cover it says: ''First, Do No Harm.'' The study concluded that every year up to 98,000 people die in this country due to preventable medical errors. It also talked in this study about the cost of those medical errors. It estimated that the cost of failing to stop these preventable medical errors is between $17 billion and $29 billion a year. Now, if you multiply that over the 10 years of the Affordable Care Act, that means if we eliminated those errors, we would save $170 to $290 billion a year.

So do we focus on patient safety and preventing medical errors? No, we focus on taking away the rights of the most severely injured. Because it's what caps on damages do, they penalize those with the most egregious injuries and those who have no earning capacity. So who are those people? They're seniors, they're children, and they are stay-at-home mothers. They're the ones most severely penalized when you take away rights guaranteed in the Bill of Rights and the Declaration of Independence. So I oppose this bill in the name of the Tea Party, not just the current Tea Party, but the original Tea Party, which was founded in opposition to taxation without representation.

If you go to Thomas Jefferson's Declaration of Independence, you will see that grievance against King George listed. Right below it in the Declaration of Independence is this grievance, that he has taken away the right to trial by jury. That right was so important, ladies and gentlemen, that it was embedded in the Seventh Amendment to the Bill of Rights. It says very clearly that in suits at common law, which is what a medical negligence claim is, the jury gets to decide all questions of fact and no one else. Well, one of the most important questions of fact in a jury trial is the issue of damages. My friends are trying to take away that right from the jury—the very same people who elected us to Congress—because they apparently think that Congress knows more than the people who sent us here, those who go into jury boxes all over this country in your State and listen to the actual facts of the case before deciding what's fair, including the all-important issue of what are fair and reasonable damages.

So they're talking a lot today about defensive medicine. I want to tell you about the myth of defensive medicine. Every time a health care provider submits a fee-for-services, they represent that that medical procedure or that medical test was medically necessary. If they don't make that representation, they don't get paid. Well, guess what, folks? If something is performed and billed as ''medically necessary,'' that, by definition, is not defensive medicine, because defensive medicine is when you're doing something that's not medically necessary to protect yourself from litigation. So you can't have it both ways. You can't take the money and claim you are practicing defensive medicine.

□ 1600

We also heard about the myth of setting these caps 30 years ago and never adjusting them for inflation. They always want to talk about the California bill that was passed in the mid-seventies and impose the very same cap in this bill, $250,000.

What they don't tell you is, if you adjust that cap based on the rate of medical inflation over that same period of time, the cap would now be worth almost $2 million and that, if you reduce that $250,000 cap to present value, those people in today's dollars are only getting the equivalent of $64,000, no matter how serious their injury is.

That's why I oppose this legislation, and that's why people who believe in the Constitution and in the States' rights, under the 10th Amendment, to decide what their citizens will receive as justice should be outraged that this bill is on the floor today.

Mr. PITTS. Mr. Chairman, at this time I yield 2 minutes to the gentleman from New Jersey (Mr. LANCE), another valued member of the Health Subcommittee.

Mr. LANCE. Mr. Chairman, I rise today in support of H.R. 5 that combines the repeal of the Independent Payment Advisory Board with significant medical malpractice reforms that will help reduce health care costs and preserve patients' access to medical care.

Today marks the 2-year anniversary of the House passage of the President's health care law. During that debate 2 years ago, I joined Members from both sides of the aisle in calling on the President to address one of the drivers of the high cost of health care by reforming the current medical liability system. Unfortunately, the President's health care bill passed the House on March 21, 2010, absent any real or meaningful medical liability reform.

The new law did include the Independent Payment Advisory Board, or IPAB, and this cost-control board, made up of 15 unelected and, might I add, unconfirmed officials, has the power to make major cost-cutting decisions about Medicare, with little oversight or accountability.

The IPAB has been criticized by both Republicans and Democrats, and its repeal is supported by nearly 400 groups representing patients, doctors, and employers.

Today, on the 2-year anniversary of the House passage of the health care law, we have an opportunity to move to the future and enact real health care

reform that will help bring down health care costs that are escalating at unsustainable rates while, at the same time, protecting needed care for our senior citizens.

As a member of the House Energy and Commerce Committee, I am pleased to have the opportunity to work on this important legislation, and I urge all of my colleagues to support H.R. 5.

Mr. WAXMAN. Mr. Chairman, I continue to reserve the balance of my time.

Mr. PITTS. Mr. Chairman, at this time I yield 2 minutes to the gentleman from Georgia, Dr. GINGREY, another distinguished member of the Health Subcommittee.

Mr. GINGREY of Georgia. Mr. Chairman, I thank the gentleman for yielding. And, of course, I stand in strong support of H.R. 5, the PATH Act, having authored half of the legislation, that is, the HEALTH Act, the medical liability reform act.

But I'm also strongly in favor of repeal of IPAB, the Independent Payment Advisory Board created under ObamaCare. We know and our colleagues on the other side of the aisle, many of them, know that this is the most egregious part of this 2,700-page piece of legislation, which is now the law of the land. But what it is, Mr. Chairman, IPAB, is their way of saving Medicare.

I'll ask them time after time: What is your plan to save Medicare? They have no answers. All they want to do is continue to criticize our side of the aisle when we have meaningful, thoughtful plans to save and protect and strengthen, not just for these current recipients under the Medicare program, those who are seniors, those who are disabled, but also our children and our grandchildren.

What do we get from this side of the aisle, from the Democratic side? We get IPAB.

The language says no rationing, yet the provisions call for cutting reimbursements to providers; and eventually, without question, just as it has in Canada and the UK, Mr. Chairman, that leads to the denial of care. If that's not rationing, I don't know what it is.

Let me, in the remaining part of my time, speak a little bit in regard to H.R. 5, the HEALTH Act, the medical liability reform act.

The gentleman from Iowa, the trial attorney, was just up here trying to imply that we would take away a person's right to a redress of their grievances if they had been injured by a medical provider or a health care facility because of practice below the standard of care.

The Acting CHAIR. The time of the gentleman has expired.

Mr. PITTS. I yield the gentleman another 1 minute.

Mr. GINGREY of Georgia. And I thank the gentleman.

The gentleman from Iowa knows, in fact, that that is absolutely not true.

What we do in this HEALTH Act is limit the awards for so-called pain and suffering at $250,000. And, Mr. Chairman, indeed, a number of States, after California enacted this law 35 years ago—Texas, Florida, my own State of Georgia—have enacted caps higher than that, and, no doubt, other States will do so in the future, because this bill specifically says—and it's called the flex caps—that if a State wants to enact a limit on noneconomics of $1 million and have it applicable to multiple defendants, they can do that. They have the right to do that. And in regard to the injury to a patient, there are no caps whatsoever. There are still suits that are awarded to injured patients that are in the millions of dollars.

So the gentleman from Iowa was totally disingenuous in what he was trying to explain—a very smooth talking, very convincing lawyer. That's what we expect.

But we want to end frivolous lawsuits so that those who are truly injured get their day in court, and that's what this bill does.

Mr. WAXMAN. Mr. Chairman, I yield myself 1 minute.

I thank the gentleman, who is a physician, for his comments.

He said he wants to save Medicare. He said the Republicans want to save Medicare. They want to save Medicare, but their budget proposal would end Medicare.

Let's just understand, those who are on Medicare know they can go to the doctor or the hospital or other health care provider and Medicare will pay. Under the Republican proposal, they'd be given a voucher and told to go buy a private insurance policy, as much as they could afford by adding additional money. To save it, they want to end it.

And we hear the statement, so-called pain and suffering. For people who are living their lives with constant pain and suffering from a medical malpractice problem, it's not so-called to them. It's a real, terrible situation that they have to live with.

I think that, because one of our speakers happens to be a trial lawyer, I want to point out that the past speaker is a medical physician, as if that should make a difference. Let's base our arguments on the points that are made.

I, at this point, want to yield 3 minutes to the gentleman from Vermont (Mr. WELCH), an important Member whom we hope will come back to our committee in the very near future.

Mr. WELCH. I thank the gentleman.

In Vermont, we faced the challenge that we face in this Nation: We want to have access to health care, and we want it to be affordable.

When we had legislation, the Democrats were pushing access. The Republican Governor was concerned about cost. We sat down and realized we're both right. If Democrats want to achieve the goal of access to health care for everybody, we have to control cost. Our Republican Governor was right. We worked to do that. This Congress has failed to do that.

Health care costs are rising beyond our ability to pay. Whether it's the taxpayer, whether it's the business that's paying the premiums, whether it's an individual who is self-pay, you cannot have health care costs rising at 6.5 percent a year, as they have for the past 10 years, higher than the rate of inflation, profits, or the economic growth. It can't be sustained. IPAB is a tool to help us control health care costs. We have to do that for our taxpayers, for our employers and for our citizens.

□ 1610

It's advisory. These 15 people who have experience in economics and in medicine will look at data, will look at information. What's there to fear in their doing that? They'll make recommendations to Congress. Congress will retain the right to have the final say as to whether these recommendations will work or not or if we want to substitute something else. That makes sense.

The alternative is what has been put forward to essentially shift the burden of rising health care costs onto seniors and citizens by turning Medicare into a voucher. It would cap what the taxpayer would pay by exempting this Congress from making reforms in how we deliver care that could result in costs coming down and simply saying to seniors on Medicare that if costs go up 6.5 percent a year, another 6.5 percent—you know what, folks?—you are on your own. Figure out how to pay for it. Congress is AWOL on this.

So to the extent that we claim we want access but we won't control costs and take steps that are required to make health care spending sustainable, we're shirking our responsibility. IPAB is not the answer, but it's a good tool.

To reject it and instead replace it with a voucher system where the full burden of runaway health care costs are simply imposed on seniors is the wrong way to go in a continuation of Congress ducking its responsibility for the reforms in the health care system that our citizens need and deserve.

Mr. PITTS. Mr. Chairman, I am pleased at this time to yield 3 minutes to one of our leaders, the distinguished gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Chairman, regrettably the President's policies have failed and continue to harm our economy.

We were told if we would pass the stimulus plan, unemployment would never exceed 8 percent, and instead it's exceeded 8 percent for 37 straight months. We were told that the President would cut the deficit in half, and instead we have the worst debt in our Nation's history. We were told he would take steps to reduce the price of oil, and instead gas prices have doubled at the pump. One more of his policies

that has failed is clearly his health care plan.

We were told that it would create jobs, but instead every day I hear from job creators in the Fifth District of Texas who write me things like:

> ObamaCare will put a tremendous burden on my company. I can't put a 5-year plan in place. I therefore have to withhold cash for expansion.

I also hear things like:

> I could start two companies and hire multiple people, but based on this administration and the lack of facts with ObamaCare, I will continue to sit and wait.

We know now that the Congressional Budget Office says that the health care plan will cost us almost a million jobs from this economy.

We were also told that if we pass this that health care would be more affordable and lower premiums, but instead the Congressional Budget Office now tells us that the new benefit mandates will force premiums to rise in the individual market by $2,100 per family.

Any way you look at it, the President's health care law is harming job growth; it's harming our economy. But perhaps even more ominously, it's the infamous Independent Payment Advisory Board, section 3403 of the act, that will harm our seniors.

The IPAB is going to be comprised of 15 unelected, unaccountable bureaucrats handpicked by the President. Their sole job is going to be to ration health care to our seniors and impose Federal price controls. This will undoubtedly slash senior access to doctors and to other providers. They literally will be making decisions about the health of our loved ones, our parents, and our grandparents.

The Centers for Medicare and Medicaid Services actuary has confirmed that large reductions in Medicare payment rates to physicians would likely have serious implications for beneficiary access to care utilization, intensity, and quality of services.

Mr. Chairman, when it comes to my parents, both of whom are on Medicare, no government acronym, no government bureaucrat, no government board can ever substitute for the good judgment of their chosen family doctor. That's why today I'm proud to stand with my colleagues here to vote to repeal the IPAB.

Once again, we need to repeal the President's health care plan and do it today.

Mr. WAXMAN. Mr. Chairman, I am pleased at this time to yield 4 minutes to the distinguished Democratic whip, Mr. HOYER, from the State of Maryland.

Mr. HOYER. I want to speak about this bill, but I also want to respond to the chairman of the Republican Conference, who apparently fails to realize that we've created 4 million jobs, 3.96 million to be exact, over the last 24 months. We've had 10 quarters of growth in America. As opposed to losing 786,000 jobs the last month of President Bush's term, we added 257,000 last month in the private sector.

So to say that the President's program is not working is simply inaccurate.

Now, ladies and gentlemen, this is a wolf in sheep's clothing. They don't like the health care bill. That's what the chairman of the conference just said. He wants to vote to repeal that. We understand that. They want to pick it apart piece by piece.

Let me talk about it. Two years ago, we passed a comprehensive health care reform package that is already lowering costs, expanding access, and contributing to deficit reduction. The Affordable Care Act was a significant moment when Congress once again took bold action to constrain the growth in health care spending and make insurance more accessible and affordable for all Americans. As the wealthiest country on the face of the Earth, we ought to make sure that people can get insurance and have affordable, accessible health care.

Insurance companies can no longer deny coverage to children with preexisting conditions. I bet they think that's a benefit, a protection that will be extended to all Americans by 2014. I've had a lot of people talk to me about that provision. They like it.

Insurance companies can no longer drop Americans from their policies when they get sick or impose arbitrary and unfair caps on coverage. You buy insurance to make sure when you get sick you have coverage. If you get very sick and need more coverage, it says you can't cancel because you're really sick. I think Americans like that.

Since the Affordable Care Act was signed into law, over 32 million seniors on Medicare have access to free preventative services. The Medicare part D doughnut hole is on the path to close completely by 2020. Seniors who fall into this coverage gap are right now getting a 50 percent discount on their brand drugs. They like that.

Now 360,000 small businesses have already taken advantage of tax credits that are helping them provide more affordable coverage to over 2 million workers. Lifetime limits on over 105 million Americans with private insurance have been eliminated. Over 2,800 employers have already received financial assistance that helps them provide affordable insurance to 13 million retirees who are not yet eligible for Medicare.

The CBO continues to project that the Affordable Care Act will reduce the deficits by tens of billions of dollars by the end of this decade.

Despite all of these benefits, today Republicans will take yet another vote to repeal part of the Affordable Care Act. But what they want to do is repeal the act. That's what the chairman said of the conference. I take him at his word. I appreciate his honesty.

Today their focus is on the Independent Payment Advisory Board, or IPAB, which couldn't be a less timely issue. IPAB is a backstop mechanism to ensure that the Affordable Care Act's savings and cost-containment provisions will be achieved. But CBO has already said they don't expect it to be triggered at all over the next decade. That's because the Affordable Care Act's cost-containment provisions are already having a significant impact on slowing the growth of health care and Medicare spending.

This proves that the Medicare spending can be constrained without turning Medicare into a voucher program as the chairman has said. That forces seniors to spend more and ends the Medicare guarantee. Americans don't want that.

The Republican plan does exactly that and tries to mask the end of Medicare as we know it by talking about choices and competition.

The Acting CHAIR. The time of the gentleman has expired.

Mr. WAXMAN. I yield the gentleman an additional minute.

Mr. HOYER. But both competition and choice already exist in the Medicare program.

□ 1620

Of beneficiaries, 99.7 percent have access to at least one Medicare Advantage plan, and in the majority of counties, they have an average of 26 private plans to choose from. In spite of all these choices, about 75 percent of all seniors still choose to remain in traditional Medicare.

The Republican budget, released just yesterday, paints a clear picture of their priorities, showing once again they stand for ending the Medicare guarantee, shifting ever-increasing costs on to our seniors and repealing all of the Affordable Care Act's patient protections.

I stand behind the cost-containment provisions, the delivery-system reforms, the improvement to Medicare, and the new benefits and protections that were enacted under health reform. And I stand with my fellow Democrats and America's seniors in support of preserving the Medicare guarantee and ensuring that Medicare remains available and affordable for generations to come.

I appreciate the ranking member's leadership on this issue and all of those who were critically responsible in ensuring that Americans have access to affordable quality health care.

Mr. PITTS. Mr. Chairman, 2 years ago, they said PPACA would cost less than $1 trillion. The CBO's new estimate says it's going to cost over $1.7 trillion. Stay tuned.

I now yield 2 minutes to the author of the IPAB repeal, the gentleman from Tennessee, Dr. ROE.

Mr. ROE of Tennessee. I thank the chairman for yielding.

I guess, if the Affordable Care Act is so popular with the American people, that's why 60 percent want it overturned. I'll start by saying that. That's the latest that I've seen.

Let me just go over briefly what the IPAB is and why I'm so vehemently opposed to it.

As an over-30-year practicing physician, I've looked at this, and I've seen two examples already of why I know and what I know is going to happen here.

We have the model in the SGR, the sustainable growth rate, which is what we pay Medicare physicians today. As has been stated multiple times, we have a board with 15 appointed people to it. Over half of them cannot be health care providers or cannot be health care-related folks that are going to make decisions based on a formula for Medicare spending. We're going to set limits. If you exceed those limits, then cuts will come to providers. We've done that with SGR. And guess what the Congress has had the ability to do during that time? To override those cuts, because everybody in here, both Republicans and Democrats, understand if we cut our providers, we're going to decrease access for those patients.

What has happened with SGR? Just 2 weeks ago, we passed an SGR temporary fix to the end of this year to avoid a 27 percent cut in physician payments. Guess what would happen with IPAB? Mr. Chairman, there would be a 27 percent cut to Medicare providers and in 5 years—also, the hospitals are included. I can tell you our rural hospitals where I live will not survive those cuts. Those cuts will occur with minimal overlook from this U.S. Congress and no judicial review.

Let me read this right here: IPAB is the single biggest yielding of power to an independent entity since the creation of the Federal Reserve. This is not me. This is Peter Orszag, the former budget director for President Obama.

My concern as a practicing physician is that if we cut physician payments so far, our patients will not have access to us. Right now, Mr. Chairman, in the primary care group I'm in, that access is already being limited, and we see it around the country.

One final thing. I started practicing as an obstetrician in 1977. I've delivered almost 5,000 babies. I paid $4,000 a year for malpractice coverage. When I left, the young physician who replaced me was paying $74,000 a year. The patient has got no more value.

In 1975, when I got back home from the Army, every single malpractice carrier had left the State of Tennessee. Almost all 10,000 physicians in Tennessee get their insurance from a mutual company. Since 1975, over half the premium dollars that every doctor has paid into the State of Tennessee has gone to attorneys, not to the injured party. Less than 40 cents of every dollar has gone to the people who have actually been injured.

We have a terrible system of paying people who have been injured, compensating them. This will allow us to do that and will allow us to get some certainty so that those costs don't keep rising beyond anybody's ability to pay. What has happened in a lot of places, Mr. Chairman, is access to OB doctors and high-risk doctors has been limited because of the liability.

I strongly support H.R. 5, and urge my colleagues to do the same.

Mr. WAXMAN. Mr. Chairman, nobody is going to deny that there is a problem with medical malpractice. The issue is whether the State of Tennessee can adopt a law to solve its own problem the way the State of California has done, the way the other States have acted. Let the States operate in this area which has been traditionally reserved for them. Washington does not have all the answers. Imposing one system on the whole country is not the way to go.

I would like to at this point yield 3 minutes to the gentleman from the State of Washington (Mr. MCDERMOTT).

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

Mr. MCDERMOTT. Mr. Chairman, you might ask why we're having this debate. Well, the Republicans have never wanted to solve the Americans' problem with health care access and cost; and the Congress passed, with the President's help, a bill that gave access to many millions of people and put in place some mechanisms to control costs.

The Republicans have tried to repeal it again and again, Mr. Chairman; and they know next Wednesday it's going to be in the Supreme Court. So today is press release time, and they have a formula for press releases in this House. The Members are going home to their districts, so they select a straw man and they put him up here. The straw man in this case is the IPAB. Then they scare seniors. They say: this IPAB is going to take away your health care. Then all the seniors are supposed to crawl under the chair or under the bed because the Republicans are out scaring people again. They do it by telling half truths.

This commission will make recommendations that the Congress can adopt, change, or if they don't want to do it, they can let them go into play. They have three choices, and the Congress can do either to change them or adopt them. We're not to giving away our power. That is a half truth to say that we are.

Secondly, as you heard from the whip, it's 10 years before this happens. Folks, if you're sitting at home watching this—Mr. Chairman, they are probably all scared and have quit eating their dinner because they're worried about what's going to happen. We're talking about something that's going to happen in 10 years. This is simply a scare tactic, and it is directly related to the attempt to derail the President's reelection. If they can take down this health care bill, they will have him. They will have shown he hasn't done anything. But the fact is he got it through here, and it's going to be implemented in 2013.

You can spend all the time you want passing bills in here that are absolutely kabuki theater, because this bill is going to go over to the Senate. You all know it has to pass both the Senate and the House. The Senate put this in. Does anybody think that the United States Senate is going to take away seniors' rights to health care? I mean, does anyone think that? You're accusing the United States Senate of putting this in the bill, setting it up to take away health care benefits from seniors. That is nonsense. If you think the Senate is going to walk away from this provision, well, more kabuki theater. We will be back on another day.

The Acting CHAIR. The time of the gentleman has expired.

Mr. WAXMAN. I yield the gentleman 1 additional minute.

Will the gentleman yield?

Mr. MCDERMOTT. I yield to the gentleman from California.

□ 1630

Mr. WAXMAN. We want to hold down the costs in health care for Medicare, itself. The cost of health care is going up for all health care coverage; but Medicare, if it goes up too much, it's a real problem. So in the Affordable Care Act, we try to put in place ways to hold down costs by reorganizing the delivery of care. We have some other strategies. We hope it will work. But for a backstop, if it doesn't work, there is this Independent Payment Advisory Board, and they will give us some idea as to how to hold down health care costs.

Now, it seems to me, the biggest objection is, once they give their recommendations, we can accept them, we can change them, or we can let them go into effect. I think the biggest problem is that if nothing happens, those health care costs go up; and that's what preserves the right of Congress, is to let nothing happen. And this is not how to hold down costs. This is to let the costs go up.

I thank the gentleman for yielding.

Mr. PITTS. Mr. Chairman, at this time, I yield 3 minutes to another doctor, Dr. HARRIS, from the State of Maryland.

Mr. HARRIS. Mr. Chairman, I think the gentleman from California just said what this is all about: The IPAB is about cutting expenditures for our seniors on Medicare when they need their health care.

The IPAB is no straw man. It's a health care policy bureaucrat's dream and a Medicare patient's nightmare. It's 15 bureaucrats—and the gentleman from California called it right—insurance company representatives, pharmacy company representatives, benefit managers, employers, all those people who really have the care of an individual patient in mind.

In fact, that rationing board limits the number of health care professionals who can serve to a minority, a minority of people, and then goes further and says, And, oh, by the way, they have to actually stop practicing health care for the 6 years they sit on the board. How

close are they going to be to knowing what's going on in the care of a patient?

The gentleman from Iowa talked about the myth of defensive medicine. I want to ask anyone who cares to go in a labor and delivery suite and look what's happened to obstetric care, to our women in America over the past 40 years because we don't have effective tort reform.

I'm an obstetric anesthesiologist. I spent 30 years in a labor and delivery suite. In 1970, the cesarean section rate in this country was 5 percent. One in 20 women going to a hospital to have a baby would have a cesarean section. Last year it was 33 percent. I will tell you, not much has changed about childbirth in that time, but now a woman going into the hospital to have a baby has a one in three chance of having a cesarean section. Not only that, but 40 years ago—those of you who want to, ask people you know who delivered 40 years ago. Most obstetrics was delivered by a one- or two-person group where a woman got to know the obstetrician who was going to deliver her baby.

Go ask the folks in your district now what happens. You go into a group of about 10 or 12 people because they can't afford the malpractice insurance. They have to go into a big group so someone else can pay it. It's impersonal service. Go and try to find an obstetrician who is in their fifties or sixties and practicing obstetrics. They gave it up long ago because they can't afford the premiums. The most experienced obstetricians are no longer delivering care to American women.

The C-section rate is one in three, and a woman can't even expect to see her obstetrician every time she goes to those prenatal visits because there are eight or 10 in the group, and they all have to have a chance to see that patient. That's what the lack of tort reform has done to the delivery of care to women in this country.

We need to pass this bill and pass it now.

Mr. WAXMAN. Mr. Chairman, may I inquire how much time each side has remaining in the general debate.

The Acting CHAIR. The gentleman from California has 17½ minutes remaining, and the gentleman from Pennsylvania has 29¾ minutes remaining.

Mr. WAXMAN. I will reserve the balance of my time.

Mr. PITTS. Mr. Chairman, at this time, I yield 2 minutes to another doctor, the gentleman from Indiana, Dr. BUCSHON.

Mr. BUCSHON. Mr. Chairman, I rise today in support of repealing the Independent Payment Advisory Board, or the so-called IPAB; and I urge President Obama and our colleagues in the U.S. Senate to join us, the House Republicans, in saving access to quality care for America's seniors.

I've been a practicing physician for over 15 years, and I don't think I have seen anything potentially more detrimental to seniors' health care than the Independent Payment Advisory Board created under the Affordable Care Act. As has already been said, this group of 15 unelected Washington, DC, bureaucrats, appointed by the President, will be making decisions on the funding of Medicare with little oversight from your elected officials. This is not a partisan issue. Whether it's this President, the next President, or a President 20 years from now, no President should have the power to create a board with this much control over health care.

Doctors provide critical care to our Nation's seniors, but they also run a business. They have to receive proper reimbursement to keep their doors open or they will lose their ability to provide care for America's seniors.

The Affordable Care Act has already cut over $500 billion from the Medicare program, and then the President doubled down by proposing over $300 billion more in his budget. Medicare cannot sustain further cuts if we are to keep access for America's seniors.

Without any chance of judicial or congressional oversight, IPAB will become one of the most powerful agencies within our government.

I ask the American people: What part of the government operates this way? When people in Washington, DC, make decisions you don't agree with, you can vote them out of office, but when IPAB makes a decision, the American people most likely will have no recourse.

If the President and the U.S. Senate really are concerned about saving Medicare, which they claim to be, I urge them to get serious and work with us, because according to CBO, Medicare may be insolvent as early as 2016. We need to reform Medicare in order to strengthen and preserve it for future generations, and true reform is not continuing to cut funding of the program.

Again, I urge the President and the Senate to join us in eliminating IPAB.

Mr. WAXMAN. I continue to reserve the balance of my time.

Mr. PITTS. Mr. Chairman, at this time I yield 2 minutes to another doctor, the gentleman from Michigan, Dr. BENISHEK.

Mr. BENISHEK. I thank the chairman for yielding.

Mr. Chairman, as my good friend, the chairman, knows, before I came to this House, I served as a general surgeon for three decades. So 2 years ago this week, while President Obama was pitching his 2,000-page health care overhaul, I was back home in Michigan, taking care of patients and wondering how this law was going to change the relationship between a physician and his patients.

Now the President's broken promises have shown us: Instead of providing real solutions to strengthen the doctor-patient relationship or improving the way we deliver health care to patients, the President gave us the Independent Payment Advisory Board. IPAB is a 15-member commission of unelected bureaucrats charged with cutting Medicare spending, specifically reimbursement for physicians. It's a very Washington-type solution to take something as personal as a doctor seeing a patient in his office and creating a panel of Washington bureaucrats to determine how that's going to be paid for.

As a physician, I can tell you that when you set up an unelected board and give them unprecedented power and little government oversight, the results will be clear. This will lead to arbitrary cuts to the Medicare program, less access to care, and rationing. Today we are voting to stop that from happening.

Mr. Chairman, we've already heard the other side of the aisle accusing the majority of pushing Grandma off a cliff. But instead of scare tactics and hyperbole, I ask Members on both sides of the aisle to support this effort to repeal the IPAB. Support this effort to eliminate what seniors are really concerned about: a group of unelected bureaucrats making health care decisions for them.

As a physician, I am proud to support the repeal of this ill-conceived rationing board on behalf of all my patients and constituents in northern Michigan.

□ 1640

Mr. WAXMAN. Mr. Chairman, I continue to reserve the balance of my time.

Mr. PITTS. Mr. Chairman, at this time I yield 2 minutes to another health care professional—a nurse—the gentlelady from North Carolina, RENEE ELLMERS.

Mrs. ELLMERS. I thank the chairman for this opportunity to speak with my colleagues as a nurse and a wife of a general surgeon.

Mr. Chairman, IPAB was created under ObamaCare to slash Medicare spending by restricting health care services for seniors in need. Repealing IPAB will restore the doctor-patient relationship.

Mr. Chairman, when someone goes to the doctor, they reveal the most personal experiences of their lives and engage in a relationship with a dedicated health care professional who puts his or her career on the line for the purpose of making that individual whole again. Left alone, President Obama's government-knows-best mentality will force our seniors to cede this relationship to a board of unelected and unaccountable bureaucrats who will have the power over the health and the lives of millions of other Americans. Each patient is unique, and their care rests on the doctor's ability to provide the best treatments available, regardless of the cost of their liability.

One of the greatest challenges facing our Nation's health care system, including Medicare, is the rapidly rising costs. This legislation recognizes that. This legislation repairs and repeals the IPAB with commonsense medical liability reform that will save billions of dollars.

I have sat and listened to the debate today, and I have listened intently over the 2 years since ObamaCare went into effect, and I still have one question to my Democrat colleagues across the aisle: What is your solution for Medicare? We know it is not sustainable as it is now. What is your solution?

Mr. Chairman, Federal bureaucrats should not dictate to doctors how to provide care, force them to provide medication regardless of their known complications, and make them liable with no limits or protections.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. PITTS. I yield the gentlelady an additional 30 seconds.

Mrs. ELLMERS. We have got to move forward on malpractice reform. Our colleagues ask the question, How can malpractice be put in place at the Federal level? And yet they have put Federal health care as an issue and put control as an issue.

We must provide patients and medical professionals with the security and the safety net.

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

Mr. Chairman, our idea for Medicare for the future is to make it better, not to eliminate it. In the Affordable Care Act, we provide help for seniors to pay for their prescription drugs, especially when they're in the doughnut hole. We provide money so they will be sure to have preventive services without having to pay for them so that we know we can prevent diseases that we otherwise have to pay to treat. We have extended the life of the Medicare trust fund. We're always looking for ways to hold down costs in a reasonable, rational way.

One of the reasons we have very high costs in Medicare is, when a doctor and a patient get together, the doctor decides on how many services are going to be paid for, especially when that doctor gets paid more money for more services. Therefore, we've got to look for alternatives to that. Now I have a feeling the doctors like the idea of deciding how many services are going to be paid for, but we just can't afford that.

So we have ways to hold down health care costs by trying to bring people together in affordable care organizations, ways for doctors to manage the care from physician to physician in a more efficient way, and we have a backup if these other things don't work—to have an advisory committee to give us their ideas; but their ideas cannot lead to rationing health care or making people have to pay more money for their insurance or to restrict benefits or modify eligibility. That's what we propose to do.

The Republicans propose to take away the assured guarantee of services under Medicare and require people to go find a private insurance plan, if they can afford it, over and above the voucher, which would never keep pace with the increase of health care costs.

At this time, I yield 2 minutes to my California colleague (Mr. THOMPSON).

Mr. THOMPSON of California. I thank the gentleman for yielding.

I rise today in opposition to this legislation. Whether or not you're a fan of the IPAB, I strongly urge you to oppose the bill. This bill is not about IPAB. This bill is nothing more than a political maneuver to attack the Affordable Care Act on the 2-year anniversary of its enactment.

I challenge anyone to talk to one of the over 7,000 young adults in my district who now have health care insurance coverage and ask them if the Affordable Care Act should be repealed. Or maybe the 6,000 seniors in my district who have saved over $3 million on the cost of prescription drugs. Or the 30,000 children and 120,000 adults who now have health care insurance that actually covers preventive services without burdensome copayments. Or the thousands of children with preexisting health conditions who will no longer be denied coverage by health insurers or told they've hit their lifetime cap for services because of a disease with which they were born. Ask them if they'd like to repeal the Affordable Health Care Act.

No one has ever suggested that this bill was the perfect solution to health care, but we should be working together to fix it, not trying to repeal it for cheap political points. And to add the medical malpractice provision that they added in this bill, that is so wrong-headed that the doctors in California have come out in opposition to this bill. Any doctor will tell you there's work that needs to be done in regard to medical malpractice, but the way this was done has even brought the doctors to the table in opposition.

So, on behalf of the millions of Americans who are already benefiting from the Affordable Care Act, I ask you to join with me and with the California doctors in opposition to this legislation that does no one any good at all.

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

Mr. Chairman, I find it interesting that the gentleman who just spoke signed a letter to former Speaker PELOSI on December 17, 2009, that says the IPAB provisions severely limit the congressional oversight of the Medicare program and eliminate the transparency of congressional hearings and debate. Moreover, the creation of a Medicare board would effectively eliminate State community input in the Medicare program, removing the ability to develop and implement policies expressly applicable to different patient populations. So IPAB or an equivalent commission, they said, could not only threaten the ability of Medicare beneficiaries but of all Americans to access the care they need.

I yield 2 minutes to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Chairman, I appreciate the opportunity to speak on this legislation, H.R. 5.

One of the most trusted sources of information in my Mom's life—she's in her eighties—is her physician. We just got a history lesson, a civics lesson, from our friends across the aisle just a moment ago expressing how the Democrat Congress passed, the Democrat Senate passed, and a Democrat President signed into law a bill that puts into place ways to control the costs. It took $500 billion from Medicare in order to pay for the bill that they passed. Then in addition to the civics lesson, we were given a political reality that the Senate is not going to take the bill up—therefore, we should not be discussing it.

I think, for the peace of mind of people like my mom who are going to have the IPAB, this independent board, inserted between them and their doctors—Mom won't even get to talk to her doctor if this board decides she can't. The scheduler will simply say you have to come back next month or next year, and we're told we shouldn't bring that up because it might scare seniors. Seniors have a right to be scared. They have a right to wonder.

□ 1650

If some board does not even answer to Congress, it can change laws without coming to us, and it can write its own rules; and we're to be told that we should not be discussing this issue because it might frighten seniors. It just might, and they very well should be told.

The Obama health care legislation did not bring one new doctor into service, but it brought millions of new patients in. The real truth is that we have increasing demand for doctor services because of these new patients and no new supply. You're going to have to limit it somewhere. They wanted to hide this limitation under the IPAB. We're simply saying, let's restore the relationship between 86-year-old moms and the doctors. Let's get rid of the IPAB. This bill would do it.

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

Mr. Chairman, if you listen to the comments that were just made on the House floor, it would be better to leave over 30 million people without health insurance because they want to see doctors when they get sick.

The legislation, the Affordable Care Act, provides more training for doctors and higher reimbursement for primary care doctors, and it provides for the opportunity to get a medical education with a payback in underserved areas. We're going to get more doctors, but we shouldn't say that those who have health insurance should turn their backs as the Republicans, I feel, are doing to all of those who have no insurance whatsoever.

I want to yield, at this point, 5 minutes to the distinguished gentleman from the State of Virginia (Mr. SCOTT) so he can further speak on this legislation.

Mr. SCOTT of Virginia. Mr. Chairman, I rise today in opposition to H.R.

5. There are several troublesome provisions with the bill.

For example, it sets an arbitrary and discriminatory $250,000 cap on noneconomic damages; it reduces the amount of time an injured patient has to file a lawsuit; and it also repeals IPAB, the board created by the Affordable Care Act to control Medicare costs while preserving access to care.

Although there are many troublesome provisions in the bill, I'd like to speak at length about one provision, the so-called fair share provision.

The fair share provision would repeal the general rule of joint and several liability. Joint and several liability is a common law principle that enables an injured patient to seek compensation from any or all of the parties responsible for the patient's injuries. Joint and several liability provides that each of the guilty defendants are jointly responsible and individually responsible for the total damages, and, if they want, they can agree in advance on how to apportion fault among themselves; thus they can purchase and share the cost of insurance and charge their fees for services based on that agreement.

The general rule of joint and several liability does not burden the injured patient with the requirement of assigning proportional fault. This PATH Act creates a bizarre and impossible standard for the patient by eliminating joint and several liability. It requires that the plaintiff, who is the patient, demonstrate each negligent party's proportional responsibility. This is often impossible for the plaintiff because frequently all the patient knows is he woke up as the victim of malpractice. Why should he then be required to find out what each and everybody did? And how does he do that when everybody is denying any liability?

Unfortunately, this bill essentially requires the plaintiff to conduct a separate case against each defendant, each case requiring a finding of duty of care, a breach of that duty, a proximate cause, a finding of damages, and then a determination of what part of the damages are attributable to what malpractice.

Each of those cases requires an expensive expert witness, depositions, and the full expense of complicated litigation. It also complicates any settlement that might take place because a patient can't take a chance of settling with one defendant without knowing what, ultimately, the other defendants might have to pay.

What's most disturbing about this bill is it eliminates joint and several liability for all kinds of damages, including economic damages. In doing so, H.R. 5 is more extreme than most States' laws. Economic loss compensates injured parties for their out-of-pocket expenses, such as the hospital bills, the doctor bills, and lost wages. Even though the proponents of H.R. 5 claim to use California's Medical Injury Compensation Reform Act as a model, not even California eliminates joint and several liability for economic damages.

Mr. Chairman, over centuries, each State has balanced judicial procedures between defendants and plaintiffs. Some provide longer and some shorter statutes of limitations. Some have large, some have small, and some have no caps at all on damages. Some deny recovery in cases of contributory negligence. Others allow recovery based on comparative negligence. Most have joint and several liability—a few do not—but the interests of plaintiffs and defendants have been balanced over the years in each State. We should not override centuries of the State-level balancing of these interests by preempting some parts of tort law with this Federal bill.

Mr. Chairman, we usually hear that tort reform is necessary to address three problems: defensive medicine, high malpractice premiums, and frivolous lawsuits.

This bill will not prevent, will not do anything to deal with defensive medicine, because the lawsuits are not eliminated. There will still be defensive medicine, and because it increases expenses for defendants, it may actually increase total malpractice premiums.

Finally, the bill does not target frivolous lawsuits. The Institute of Medicine estimates that approximately up to 100,000 patients die every year due to medical mistakes, and yet there are only about 15,000 medical malpractice payments each year, so there's a question of whether or not frivolous lawsuits are even a problem. But to the extent that it is a problem, this bill will not target frivolous lawsuits; it will increase the cost of litigation and may reduce all lawsuits, but it will not target frivolous lawsuits.

So, Mr. Chairman, I would hope that we will not pass a Federal law to abolish joint and several liability at the State level, and I would urge my colleagues to oppose this legislation.

Mr. PITTS. Mr. Chairman, at this time, I yield 2 minutes to the gentleman from Illinois (Mr. HULTGREN).

Mr. HULTGREN. Mr. Chairman, I rise today in support of this bill.

The unelected and unaccountable bureaucrats of the Independent Payment Advisory Board pose a threat to the ability of seniors in my district and around this country to get the health care they need.

Across my district, I hear from doctors who are deeply concerned about their ability to accept more Medicare recipients because reimbursement rates are already too low; but if the IPAB bureaucrats are allowed to ration care, rates will be driven even lower. Fewer doctors will be able to afford to treat Medicare patients. It's cruel to tell our seniors that they have Medicare but refuse to tell them that there will be no doctors who will be able to treat them.

IPAB will be the end of Medicare as we know it and the end of seniors' ability to get treatment from their preferred doctors. That's why we must act now to repeal IPAB—to protect seniors and to protect Medicare.

I hope my colleagues on both sides of the aisle will join me in supporting this bill.

Mr. PITTS. May I ask the gentleman how many speakers he has remaining?

Mr. WAXMAN. We have one.

Mr. PITTS. I'll yield to myself at this time, then, such time as I may consume.

Mr. Chairman, H.R. 5, the Protecting Access to Healthcare Act, the PATH Act, not only fixes our broken medical liability system; it also repeals the Independent Payment Advisory Board, one of the most ominous provisions in the President's sweeping overhaul of health care.

Medical liability reform will preserve access to quality health care in States like Pennsylvania by allowing doctors in high-risk specialties, such as obstetrics and neurosurgery, to practice without the fear of frivolous lawsuits and, according to the Congressional Budget Office, to reduce the Federal deficit by $48.6 billion over the next 10 years.

According to the President's health care law, the purpose of IPAB is to reduce Medicare's per capita growth rate. The board is made up, as we've heard, of 15 unelected, unaccountable bureaucrats who will be paid $165,300 a year to serve 6-year terms on the board. If Medicare growth goes over an arbitrary target, the board is required to submit a proposal to Congress that would reduce Medicare's growth rate.

□ 1700

These recommendations will automatically go into effect unless Congress passes legislation that would achieve the same amount of savings. In order to do so, Congress must meet an almost impossible deadline and clear an almost insurmountable legislative hurdle.

The board has the power to make binding decisions about Medicare policy with no requirement for public comment prior to issuing their recommendations. Individuals and providers will have no recourse against the board because its decisions cannot be appealed or reviewed. In other words, the board will make major health care legislation essentially outside the usual legislative process.

The board is also limited to how it can achieve the required savings. Therefore, IPAB's recommendations will be restricted to cutting provider reimbursements. In many cases, Medicare already reimburses below the cost of providing services, and we're already seeing doctors refusing to take new Medicare patients—or Medicare patients at all—because they cannot afford to absorb the losses.

Any additional provider cuts will lead to fewer Medicare providers. That means that beneficiary access will suffer. Seniors will be forced to wait in

longer and longer lines to be seen by an ever-shrinking pool of providers or will have to travel longer and longer distances to find a provider willing to see them. Clearly, Medicare growth is on an out-of-control trajectory that endangers the solvency and continued existence of the program. IPAB, however, is not the solution.

I urge my colleagues to support H.R. 5.

With that, I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I am pleased at this time to yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank my friend from California.

Mr. Chairman, I rise in opposition to H.R. 5, which would repeal the Independent Payment Advisory Board, which I think is one of the good features of the health reform law.

I have real concerns about H.R. 5. We're talking about undoing work instead of doing the work that this Congress should do—repealing IPAB in the pretext of protecting Medicare just one day after the Republican budget was released that would end Medicare and shift the costs of health care to our seniors while giving tax breaks to millionaires. There's just no logic to this.

The bill would also make significant changes to the Federal health care liability system, making it difficult for legitimately injured patients to hold health care providers accountable, including even limiting the ability of victims of sexual abuse from getting justice from the institutions and providers who had harmed them.

The health reform law, which the Republicans want to repeal, included malpractice reforms, like grant programs for States. While I support improvements to the medical malpractice process, it's important to note that malpractice is not the primary—not even really a significant reason—for the escalating health care costs. States that have passed stringent limits on medical malpractice claims like the ones in H.R. 5 have in fact some of the most expensive health care in the country.

This bill is irresponsible and unnecessary. Where is the transportation bill? Where are the jobs bills? Why are we on the floor talking about undoing good work instead of doing the work that this Congress should be doing? This bill is irresponsible and unnecessary. I urge my colleagues to vote ''no'' on this political theater.

The Acting CHAIR (Mr. WOMACK). The time of the gentleman has expired.

Mr. WAXMAN. I'd like to yield 1 additional minute to the gentleman and ask him to yield to me.

Mr. HOLT. I am pleased to yield to my friend from California.

Mr. WAXMAN. The problem that we keep facing is rapidly rising health care costs. It's not just for Medicare; it's for private insurance. It's for anybody who has health coverage that costs of health care are going up rapidly. The approach of Medicare has always been to look for ways to hold down the cost.

There was a time when ophthalmologists would charge a fee for removing the cataract and then ask for another fee for inserting the lens. Well, that made sense when that surgery was brand new, but they didn't want to give up the two fees that they were receiving because it would be a reduction in their reimbursement. But Medicare said no, that really doesn't make sense. Medicare does a lot of things to hold down cost, and then private insurance picks them up because so often they make sense.

The Acting CHAIR. The time of the gentleman has expired.

Mr. WAXMAN. I yield the gentleman another 30 seconds.

Mr. HOLT. And I yield that to the gentleman.

Mr. WAXMAN. The way to hold down cost is to try to reform the way health care is delivered. Medicare tries to do that. If we don't do it that way, the Republicans would say that private insurance will be able to control it because that's all people are going to be able to get. No more Medicare. They will have to buy private insurance and let the insurance company tell the doctor and the patient what they will be able to do with their trying to hold down cost, without regard to the Medicare patient.

I thank the gentleman for yielding to me.

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

Mr. PITTS. Mr. Chairman, before I yield to the gentleman from Georgia, Dr. GINGREY, for our close, I just want to remind him of a statement by the chairman. Representative STARK of the Ways and Means Subcommittee on Health, during the debate and passage of PPACA, he called the establishment of the board ''a dangerous provision that sets Medicare up for unsustainable cuts.'' We should be reminded of that.

At this time, I yield the balance of my time to one of the authors of the legislation, a distinguished member of the Health Subcommittee and a doctor, the gentleman from Georgia, Dr. GINGREY.

Mr. GINGREY of Georgia. Madam Chairman, as a physician Member and coauthor of the bill, I am truly honored that Chairman PITTS is allowing me to close the debate on H.R. 5, the PATH Act—appropriately named. For meaningful medical liability reform and the elimination of IPAB together will put Medicare in specific, and health care in general, back on the right path: a path to fiscal solvency for one-sixth of our economy; a path to compassionate, cost effective, efficient, and timely health care for all who call this great country home; a path to fairness in our court systems so that those injured by malpractice get their day before a jury of their peers and they are justly compensated, not crowded out by the growing problem of frivolous claims and out-of-control legal fees; a path to a bipartisan and a bicameral solution to one of the most pressing issues that this Nation will ever again face, that is, to save Medicare for our current seniors and strengthen it for all future generations.

Let's get started right now. Our country cannot wait any longer. Vote ''yes'' on H.R. 5, the right PATH Act.

□ 1710

Mr. CAMP. Madam Chairman, I yield myself such time as I may consume.

Today I come to the floor to speak in support of H.R. 5, the Protecting Access to Healthcare Act, which, among other things, will repeal yet another poorly designed provision from the Democrats' health care law.

Specifically, this legislation would repeal the Independent Payment Advisory Board. IPAB, as it's commonly known, is a dangerous new government agency made up of unelected bureaucrats who can meet in total secrecy to decide what seniors will pay and what health care services will be available to seniors. This unaccountable board has but one objective: to save money by restricting access to health care for Medicare beneficiaries.

Nearly 2 years since its passage, the Democrats' health care law remains deeply unpopular, with an Associated Press poll recently revealing that nearly half of the American people oppose the law. IPAB, which is a critical component of the law, illustrates why those concerns are still so strong.

A separate poll confirms that opposition far outweighs support with 73 percent expressing concern that Medicare cuts recommended by IPAB could go into effect without congressional approval. Even IPAB's recommendations overturn a law previously passed by Congress. Seventy-one percent expressed concern that changes made to Medicare based on IPAB's recommendations cannot be challenged in court, and 67 percent worry that IPAB could choose to limit which specific health services are covered by Medicare.

The American people have every reason to be worried. We should be protecting and empowering our seniors, not jeopardizing their access to health care. Yet IPAB removes seniors, physicians, and families from the decision-making process about how best to meet their health care needs. Instead of giving seniors more choices, these unelected bureaucrats will take away choices from patients, from doctors, and from families. This government-knows-best approach is why Americans across the country support repeal, and it's also why there's strong bipartisan support here in Congress to repeal IPAB.

When the Ways and Means Committee considered this legislation, we received numerous letters from groups across the Nation representing employers, patients, doctors, and health care professionals who voiced strong support for IPAB repeal. The groups span

across the political spectrum and include the Easter Seals, the Alliance of Specialty Medicine, the Veterans Health Council, FreedomWorks, and Americans for Tax Reform. In total, over 390 groups have signed letters asking that Congress repeal IPAB, and I will insert these letters into the RECORD.

America's seniors deserve better. Without reform, the Medicare trustees have said that Medicare will soon go broke and not be able to provide the benefits seniors rely on. With more and more Americans becoming eligible for Medicare each day, no time is more urgent than now to secure the future of beneficiaries' access to care. IPAB does just the opposite. It threatens seniors' access to health care, and that is why it must be repealed.

Madam Chairman, the Democrats got it right when they named the IPAB. It truly is the Independent Payment Advisory Board. It's independent from seniors, independent from people with disabilities, independent from the voters, independent from legal challenges and appeals, and independent from any accountability.

It's time to give that independence back to doctors, to patients, and to Congress by voting to repeal this Washington power grab. I urge my colleagues to join me in supporting repeal of the Independent Payment Advisory Board and to vote ''yes'' on this legislation.

MARCH 7, 2012.

DEAR MEMBER OF CONGRESS: The organizations listed below represent a breadth of entities including all sectors of the healthcare industry, employers of different sizes and geographic locations, as well as purchasers of care, consumers and patients. We all share the conviction that the Independent Payment Advisory Board (IPAB) will not only severely limit Medicare beneficiaries' access to care but also increase healthcare costs that are shifted onto the private sector. While we all recognize the need for more sustainable healthcare costs, we do not believe the IPAB is the way to, or will, accomplish this goal.

As you know, the Patient Protection and Affordable Care Act (PPACA [P.L. 111–148]) created the IPAB, a board appointed by the President and empowered to make recommendations to cut spending in Medicare if its spending growth reaches certain measures. The IPAB will have unprecedented power with little oversight, even though it has the power to literally change laws previously enacted by Congress. Further, the law specifically prohibits administrative or judicial review of the Secretary's implementation of a recommendation contained in an IPAB proposal.

We are deeply concerned about the impact the IPAB will have on patient access to quality healthcare. The bulk of any recommended spending reductions will almost certainly come in the form of payment cuts to Medicare providers. This will affect patient access to care and innovative therapies. In the past five years for which data is available, the number of physicians unable to accept new Medicare patients because of low reimbursement rates has more than doubled. According to an American Medical Association survey, current reimbursement rates have already led 17 percent of all doctors, including 31 percent of primary care physicians, to restrict the number of Medicare patients in their practices. In all likelihood, the IPAB will only exacerbate this problem.

While we are all supportive of improving the quality of care in this country, we are concerned that the IPAB will not be able to focus on improving healthcare and delivery system reforms, as some of its proponents have suggested. Requiring the IPAB to achieve scoreable savings in a one-year time period is not conducive to generating savings through long-term delivery system reforms. According to a recent Kaiser Family Foundation issue brief, ''[w]hile the requirement to achieve Medicare savings for the implementation year provides a clear direction and target for the Board, it may discourage the type of longer-term policy change that could be most important for Medicare and the underlying growth in health care costs, including delivery system reforms that MedPAC and others have recommended which are included in the ACA—and which generally require several years to achieve savings. If these delivery system reforms are not 'scoreable' for the first year of implementation, the IPAB may be more likely to consider more predictable, short-term scoreable savings, such as reductions in payment updates for certain providers.'' The Congressional Budget Office (CBO) has in fact stated that the Board is likely to focus its recommendations on changes to payment rates or methodologies for services in the fee-for-service sector by non-exempt providers. Again, this will have a severe, negative impact on Medicare beneficiaries.

Last, we believe that the IPAB sets a dangerous precedent for overriding the normal legislative process. Congress is a representative body that has a duty to legislate on issues of public policy. Abdicating this responsibility to an unelected and unaccountable board removes our elected officials from the decision-making process for a program that millions of our nation's seniors and disabled individuals rely upon, endangering the important dialogue that takes place between elected officials and their constituents.

We do not believe the IPAB is the right way to achieve savings in Medicare and strongly urge Congress to eliminate this provision.

Sincerely,

Abigail Alliance, Action CF AdvaMed, Advocates for Responsible Care, AIDS Delaware, AIDS Drug Assistance Programs Advocacy Association, AIDS Housing Association of Tacoma, AIDS Institute, Alabama Orthopaedic Society, Alabama Podiatric Medical Association, Alaska State Chamber of Commerce, Alaska State Grange, Alder Health Services, Inc., Alliance for Aging Research, Alliance of Specialty Medicine, ALung Technologies, Inc., Alzheimer's & Dementia Resource Center, Alzheimer's Arkansas, American Academy of Facial Plastic & Reconstructive Surgery, American Academy of Neurology.

American Academy of Otolaryngology—Head and Neck Surgery, American Academy of Physical Medicine and Rehabilitation, American Association for the Study of Liver Diseases, American Association of Clinical Endocrinologists, American Association of Clinical Urologists, American Association for Homecare, American Association for Marriage and Family Therapy, American Association of Neurological Surgeons, American Association of Orthopaedic Executives, American Association of Orthopaedic Surgeons, American Autoimmune Related Diseases Association, American College of Emergency Physicians, American College of Emergency Physicians—Indiana Chapter, American College of Mohs Surgery, American College of Osteopathic Surgeons, American College of Radiology, American College of Surgeons—Missouri Chapter, American Congress of Obstetricians and Gynecologists, American Gastroenterological Association, American Liver Foundation—Allegheny Division.

American Osteopathic Academy of Orthopedics, American Physical Therapy Association, American Podiatric Medical Association, American Society of Anesthesiologists, American Society of Breast Surgeons, American Society of Cataract and Refractive Surgery, American Society of General Surgeons, American Society of Plastic Surgeons, American Society of Radiation Oncology, American Urological Association, Americans for Prosperity, Amigos por la Salud, Arizona BioIndustry Association, Arizona Medical Association, Arizona Podiatric Medical Association, Arizona Urological Society, Arkansas Medical Society, Arkansas Orthopaedic Society, Arkansas Podiatric Medical Association, Associated Industries of Florida.

Association for Behavioral Healthcare, Association of Nurses in AIDS Care, Asthma & Allergy Foundation of America—California Chapter, Asthma & Allergy Foundation of America—New England Chapter, Bay Bio, BEACON (Biomedical Engineering Alliance & Consortium), Connecticut, BIOCOM, BioNJ, BioOhio, Biotechnology Industry Organization (BIO), Bismarck-Mandan Chamber of Commerce, California Healthcare Institute, California Hispanic Chambers of Commerce, California Medical Association, California Orthopaedic Association, California Podiatric Medical Association, California Rheumatology Alliance, California Urological Association, Capital Region Action Against Breast Cancer!, Center of the American Experiment.

Children's Rare Disease Network, Coalition for Affordable Health Coverage, Coalition of State Rheumatology, Council of University Chairs of Obstetrics & Gynecology Organizations, Colorado Academy of Family Physicians, Colorado BioScience Association, Colorado Cross-Disability Association, Colorado Gerontological Society, Colorado Podiatric Medical Association, Colorado Retail Council, Colorado Springs Health Partners, Community Health Charities of Florida, Community Health Charities of Nebraska, Congress of Neurological Surgeons, Community Oncology Alliance, Connecticut Orthopaedic Society, Connecticut Podiatric Medical Association, Connecticut State Urology Society, Delaware Academy of Medicine, Delaware Ecumenical Council on Children and Families.

Delaware HIV Consortium, Delaware Podiatric Medical Association, Delaware State Orthopaedic Society, Docs 4 Patient Care, Easter Seals, Easter Seals Crossroads, Easter Seals Iowa, Easter Seals of Arkansas, Easter Seals of Maine, Easter Seals of Massachusetts, Easter Seals of New Jersey, Easter Seals of Southeastern PA, Easter Seals of South Florida, Easter Seals UCP North Carolina, Elder Care Advocacy of Florida, Florida Chamber of Commerce, Florida Medical Association, Florida Podiatric Medical Association, Florida Society of Neurology, Florida Society of Rheumatology.

Florida Society of Thoracic & Cardiovascular Surgeons, Florida State Hispanic Chamber of Commerce, Florida Transplant Survivor's Coalition, Florida Urological Society, Georgia Association for Home Health Agencies, Georgia Bio, Georgia Orthopaedic Society, Georgia Podiatric Medical Association, Global Genes, Global Healthy Living Foundation, Grand Rapids Area Chamber of Commerce, HEALS of the South, Healthcare Institute of New Jersey, Healthcare Leadership Council, HealthHIV, Hemophilia Foundation of Maryland, Heart Rhythm Society,

Hoosier Owners and Providers for the Elderly, Idaho Medical Association, Idaho Podiatric Medical Association.

Illinois Association of Orthopaedic Surgeons, Illinois Biotechnology Industry, Organization—iBIO®, Illinois Chamber of Commerce, Indiana Association of Cities and Towns, Indiana Health Care Association, Indiana Health Industry Forum, Indiana Medical Device Manufacturers Council, Inc., Indiana Neurological Society, Indiana Podiatric Medical Association, Indiana State Medical Association, InterAmerican College of Physicians & Surgeons, International Franchise Association, International Institute for Human Empowerment, International Society for the Advancement of Spine Surgery, Iowa Orthopaedic Society, Iowa Podiatric Medical Association, Kansas Medical Society, Kansas Podiatric Medical Association, Kansas Urological Association.

Kentucky BioAlliance, Kentucky Medical Association, Kentucky Podiatric Medical Association, Kidney Cancer Association of Illinois, Large Urology Group Practice Association, Latino Diabetes Association, Licensed Professional Counselors Association of Georgia, Louisiana State Medical Society, Lupus Alliance of America—Hudson Valley Affiliate, Lupus Alliance of America—Queens and Long Island Affiliate, Lupus Alliance of America—Southern Tier Affiliate, Lupus Alliance of America—Upstate New York Affiliate, Lupus Foundation of Arkansas, Lupus Foundation of America, DC/MD/VA Chapter, Lupus Foundation of Florida, Lupus Foundation of Mid and Northern New York, Lupus Foundation of the Genesee Valley, Lupus Foundation of Pennsylvania, Mabel Wadsworth Women's Health Center, Maine Health Care Association.

Maine Osteopathic Association, Maine Podiatric Medical Association, Maine State Council of Vietnam Veterans of America, Maryland Orthopaedic Association, Maryland State Medical Society, Massachusetts Association for Behavioral Health Systems, Massachusetts Association for Mental Health, Massachusetts Biomedical Initiatives, Massachusetts Medical Device Industry Council, Massachusetts Orthopaedic Association, Massachusetts Podiatric Medical Society, Medical Association of Georgia, Medical Association of the State of Alabama, Medical Society of Delaware, Medical Society of the District of Columbia, Medical Society of the State of New York, Medical Society of New Jersey, Men's Health Network, Mental Health America of Indiana, Mental Health America of Greater Houston.

MichBio, Michigan Chamber of Commerce, Michigan College of Emergency Physicians, Michigan Podiatric Medical Association, Michigan Orthopaedic Society, Michigan Society of Anesthesiologists, Minnesota Podiatric Medical Association, Minnesota State Grange, Mississippi Arthritis and Rheumatism Society, Mississippi Orthopaedic Society, Mississippi Podiatric Medical Association, Missouri State Medical Association, Missouri Urological Association, Montana Orthopaedic Society, National Alliance on Mental Illness, National Alliance on Mental Illness Colorado, National Alliance on Mental Illness Florida, National Alliance on Mental Illness Georgia, National Alliance on Mental Illness Indiana, National Alliance on Mental Illness Maine.

National Alliance on Mental Illness Michigan, National Alliance on Mental Illness NC, National Alliance on Mental Illness Texas, National Association for Home Care & Hospice, National Association for Home Care & Hospice—Indiana Chapter, National Association for Home Care & Hospice—Ohio Chapter, National Association for Uniformed Services, National Association of Manufacturers, National Association of Nutrition and Aging Services Programs, National Association of People with AIDS, National Association of Social Workers NC, National Association of Spine Specialists, National Council of Negro Women, National Council of Negro Women—Los Angeles View Park Section, National Council for Community Behavioral Healthcare, National Health Foundation, National Hemophilia Foundation—Delaware Valley Chapter, National Kidney Foundation—Ohio Chapter, National Medical Association, National Minority Quality Forum.

National Retail Federation, NCBIO, Nebraska Academy of Physician Assistants, Nebraska Medical Association, Nebraska Orthopaedic Society, Nebraska Urological Association, Neurofibromatosis Mid-Atlantic, Nevada Orthopaedic Society, Nevada Podiatric Medical Association, Nevada State Medical Association, New Hampshire State Grange, New Horizons Home Health Services, New Jersey Academy of Ophthalmology, New Jersey Mayors Committee of Life Science, New Jersey Podiatric Medical Society, New Mexico Podiatric Medical Association, New York Podiatric Medical Association, New York State Rheumatologists Society, New York State Urological Society, North Carolina Association on Aging.

North Carolina Psychological Association, North Carolina Rheumatology Association, North Carolina Urological Association, North Dakota Chamber of Commerce, North Dakota Medical Association, North Dakota Policy Council, Northwest Urological Society, Ohio Association of Ambulatory Surgery Centers, Ohio Association of County Behavioral Health Authorities, Ohio Association of Medical Equipment Services, Ohio Hospital Association, Ohio Orthopaedic Society, Ohio State Grange, Ohio State Medical Association, Ohio Urological Society, Ohio Veterans United, Oklahoma Podiatric Medical Association, Oklahoma State Medical Association, Oklahoma State Orthopaedic Society, Oklahoma State Urologic Association.

Old North State Medical Society, Oregon Medical Association, Oregon Podiatric Medical Association, Partners in Care Foundation, Partnership for Drug Free North Carolina, Pennsylvania BIO, Pennsylvania Chamber of Business & Industry, Pennsylvania Medical Society, Pennsylvania Orthopaedic Society, Personal Coaching & Psychotherapy for Women, PhRMA, Premier healthcare alliance, RARE Project, RetireSafe, Rhode Island Medical Society, Rio Grande Foundation, New Mexico, Rocky Mountain Stroke Center, Rural Health IT, Sanfilippo Foundation for Children, Society for Cardiovascular Angiography and Interventions.

Society for Vascular Surgery, Society of Gynecologic Oncology, Society of Urologic Oncology, South Carolina BIO, South Carolina HIV/AIDS Care Crisis Task Force, South Carolina Medical Association, South Carolina Orthopaedic Association, South Carolina Podiatric Medical Association, South Carolina Urological Association, South Dakota Podiatric Medical Association, South Dakota State Orthopaedic Society, South Jersey Geriatric Care PC, South Jersey Senior Networking Group, Southeastern Medical Device Association (SEMDA), Southwest Michigan Pharmacist Association, Stockton Center on Successful Aging, Syndicus Scientific Services, Team Sanfilippo Foundation, Tennessee Medical Association, Tennessee Orthopaedic Society.

Tennessee Podiatric Medical Association, Texas Healthcare & Bioscience Institute, Texas Podiatric Medical Association, Texas Urological Society, The Center for Health Care Services, The G.R.E.E.N. Foundation, The National Grange, U.S. Chamber of Commerce, U.S. Pain Foundation, Urology Society of New Jersey, Utah Medical Association, Utah Podiatric Medical Association, Utah State Orthopaedic Society, Vascular Society of New Jersey, Vermont Medical Society, Vermont Podiatric Medical Association, Veterans Health Council, VHA Inc., Vietnam Veterans of America, Virginia Biotechnology Association.

Virginia Podiatric Medical Association, Visiting Nurse Association of Ohio, Washington Biotechnology & Biomedical Association, Washington Free Clinic Association, Washington Osteopathic Medical Association, Washington State Podiatric Medical Association, Washington Rheumatology Association, Washington State Medical Association, Washington State Urology Society, WERAK Foundation, West Virginia Academy of Otolaryngology, West Virginia Chapter of the American College of Cardiology, West Virginia Manufacturer's Association, West Virginia Orthopaedic Society, West Virginia State Medical Association, William ''Hicks'' Anderson Community Center, Wisconsin Hospital Association, Wisconsin Urological Society, Wyoming State Grange, Women Against Prostate Cancer.

HEALTH CARE FREEDOM COALITION,
March 19, 2012.

DEAR MEMBER OF CONGRESS: On behalf of the 26 undersigned members of the Health Care Freedom Coalition and our ally organizations, representing industry, policy, taxpayer, and medical professional groups, and their millions of patients and members, we are writing to express our concerns regarding the Independent Payment Advisory Board provision of the Patient Protection and Affordable Care Act and the disastrous impact of its implementation on both patient care as well as Congressional authority.

Section 3403 of the Patient Protection and Affordable Care Act (PPACA) established the Independent Payment Advisory Board (IPAB) to reduce Medicare spending. But ultimately this panel of 15 independent, unelected bureaucrats with unilateral authority and whose decisions are freed from judicial and administrative review will most certainly cut payments to physicians under Medicare, will limit patient access to, and quality of, medical care.

INDEPENDENT, UNELECTED, POLITICALLY-APPOINTED BUREAUCRATS

Of the 15 members, twelve will be appointed by the President, and the law actually prevents practicing medical professionals—like doctors—from membership. The rules almost guarantee that the members will be academics. The highly-paid bureaucrats will likely be paid more than many of the doctors they are second-guessing. These six-year terms come with an anticipated paycheck of $165,300—more than the average family practice physician earns in many cities in Ohio, Pennsylvania and Florida.

UNDEMOCRATIC, UNILATERAL AUTHORITY AND LACK OF REDRESS OR REVIEW

The decisions cannot be challenged in the courts and are freed from the normal administrative rules process—require no public notice, public comment or public review. IPAB ''recommendations'' carry the full force of the law, unless 2/3 of the House and Senate vote to override. In essence, Congress has given this Board the authority to legislate.

DECISIONS WILL IMPACT PHYSICIANS & PATIENTS

The board is specifically forbidden from ''any recommendations to ration health care'', but PPACA fails to define the word ''ration.'' Instead, it allows IPAB to pay doctors reimbursement rates below costs, which in essence would constrict a physician's ability to treat patients. Longitudinal studies already show that about one-fourth of doctors already refuse new Medicare patients,

and as many as 50% restrict the services they are willing to perform for their current patients. And this is expected to worsen, as even more doctors will be unable to afford to take Medicare patients.

ABSOLVES CONGRESS FROM OVERSIGHT & DECISION-MAKING

IPAB is intended to take tough decisions about Medicare spending out of the purview of Congress, in effect, delegating away its legislative responsibilities under the Constitution to either a 15–member Board, or by default, the Secretary of Health and Human Services. IPAB was simply created to absolve Congress of having to make decisions that directly impact the quality and access of care for Seniors, and also insulate them from having to make tough decisions.

The ill-advised quest for ''cost effectiveness'' is doomed to failure. As we have seen in Great Britain, any de facto price controls are likely to do nothing to control the growth of spending. Further, this one-size-fits-all approach to dictating medical care in a country of more than 300 million is ill-advised.

If Congress believes that these decisions handed over to IPAB are too much of a hot political potato for it to decide, then perhaps it is a clear indication that this is the wrong course of action.

Sincerely,

Kathryn Serkes, CEO & Chairman Doctor Patient Medical Association; Grover Norquist, President Americans for Tax Reform; Dean Clancy Legislative Counsel & VP, Health Care Policy Freedom Works; Jim Martin, Chairman 60 Plus Association; Heather Higgins, President & CEO Independent Women's Voice; Colin A. Hanna, President Let Freedom Ring; Ken Hoagland, Chairman Restore America's Voice Foundation; Christopher M. Jaarda, President American Healthcare Education Coalition; HSA Coalition; Tim Phillips, President Americans For Prosperity; Amy Ridenour, Chairman The National Center for Public Policy Research; Mario H. Lopez, President Hispanic Leadership Fund; David Williams, President Taxpayers Protection Alliance; Andrew Langer, President Institute for Liberty; Jane Orient, MD, Executive Director Association of American Physicians & Surgeons; Eric Novak, MD US Health Freedom Coalition; Andrew F. Quinlan, President Center for Freedom and Prosperity; Grace-Marie Turner, President Galen Institute; Hal C. Scherz, MD, FACS, FAAP President & CEO Docs 4 Patient Care; Amy Kremer, Chairman Tea Party Express; Penny Nance, CEO and President Concerned Women for America; Dr. Joseph L. Bridges, President & CEO The Seniors Coalition; Pete Sepp, Executive Vice President National Taxpayers Union; Judson Phillips Tea Party Nation; Stephani Scruggs, President Unite In Action, Inc; Ana Puig, Co-Founder Kitchen Table Patriots.

I reserve the balance of my time.

Mr. LEVIN. Madam Chairman, I yield myself such time as I may consume.

I hope everybody's been listening to this. What has become clear is this: the Republicans have a 3-act play. First, repeal IPAB; next, repeal the rest of health care reform; and, finally, repeal Medicare.

It is so hypocritical to come forth and say that the efforts of Republicans is to protect Medicare when the purpose of it is to destroy it. That's what would happen if they had prevailed before. That's what would happen if they prevail today with their voucher plan.

So the third act really came forth before the first act. They rolled out, yesterday, their budget plan that essentially would repeal Medicare, would destroy it. There would be a voucher and, over time, the end of Medicare.

It's an essential commitment to the seniors of this country, and we Democrats are determined to thwart every effort to destroy it.

Now, as to the first act, repeal IPAB. You know, it's interesting that Medicare is a major instrumentality for ensuring that over time the costs of Medicare are brought under control, protecting the health care opportunities of seniors. Indeed, there have been efforts already under the Affordable Care Act to bring under control the costs of Medicare, to make sure it survives.

So being an essential part of controlling health care costs over the long term, the Republican proposal, essentially, would go in the opposite direction. And that's why the CBO, last year projected—and I want everybody to listen to this—that health care costs would jump by 39 percent under the Republican plan to end the Medicare guarantee. That's why 300 economists have said that health reform puts into place, essentially, every cost-containment provision policy that analysts have considered. It's because of those policies that CBO has given this estimate that IPAB isn't going to be triggered until some time after 2022.

So what happens is, the Republicans come forth with the repeal of IPAB as a first step towards repealing Medicare when they have never presented an alternative in terms of the Affordable Care Act. So, today, we hear all the scare tactics about a board whose operation effectively won't be triggered for a decade. That's a scare tactic that is not worthy of this floor, so I urge very much that we oppose.

It's interesting that the Republican budget has a cap that is more severe, if you want to put it that way, more strenuous than the provision that relates to IPAB. And so they come forth, and they say that IPAB, which won't be triggered until 2022, is something that they should oppose, while they want to put in place a budget this year that would have a more severe cap than is in IPAB. Let me also say the notion that there is some agency here that could act without any role for Congress is simply untrue. It's not true. You shouldn't say it.

We have an opportunity, once IPAB goes into operation, to review any recommendation that comes forth, and to replace it, as long as the various targets are met. So I urge very much that we reject this proposal in part because the repeal, in and of itself, I think, is a mistake but mainly because of what the aim is here, and that has been so clear from the debate, because people who come here on the Republican side, some of them talk about IPAB; some don't even discuss IPAB. They talk about the Affordable Care Act.

□ 1720

The polling data we have is essentially relating to the Affordable Care Act as well as to IPAB. I think the more people understand what has been going on, the more they see the benefits of health care reform, the more they will be supportive of it. We're going to take that case to the American people.

Let me just give you a few numbers that everyone should know about ACA.

It's been only 2 years since it was signed into law, but Americans are already receiving the benefits of lower costs and better coverage.

Let me give you a few facts:

86 million Americans have received one or more free preventative services such as checkups and cancer screenings;

105 million Americans no longer have a lifetime limit on their coverage;

Up to 17 million children with preexisting conditions can no longer be denied coverage by insurers. Up to 17 million kids. You repeal this Act, you put them into total jeopardy;

2½ million additional young adults up to 26 now have health insurance through their parents' plan. If you had succeeded in past efforts of repealing health care reform, those 2½ million people would have been out in the cold;

Also, 5.1 million seniors in the doughnut hole have saved $3.2 billion on their prescription drugs, an average of $635 per senior. If you had succeeded with repeal, over 5 million seniors would have been essentially with increased costs;

Over 2 million seniors have had a free annual wellness visit under Medicare;

Already under the small business health care tax credit, over 350,000 small employers have used it to help provide health insurance for 2 million workers.

Republicans come here using scare tactics about IPAB, 10 years away from being triggered according to CBO. You essentially say repeal health care reform though you've never had a comprehensive plan to replace it. That's been the bankruptcy of your position.

I finish, reminding everybody that we're the only industrial nation on the globe which has tens of millions of people who go to bed every day without a stitch of health insurance coverage.

The administration's brief before the Supreme Court has illustrated what the result is in terms of the added costs of the uninsured who go to emergency rooms. Billions and billions of dollars that are essentially shifted to people who have insurance and shifted to taxpayers who have to cover the costs of emergency coverage.

So we come here with a passion. We worked hard to support and to pass this act. We worked hard to put it together. A major piece of legislation like that always needs continued work, but not

its repeal. That would be a grave, grave, grave mistake.

So I think it's time to pull down the curtain on this three-act play of the House Republicans trying first to repeal IPAB, then to repeal the rest of health care reform, and then to repeal Medicare. Fortunately, if we're mistaken and the majority passes it here, it will deserve a death in the Senate of the United States.

I reserve the balance of my time.

Mr. CAMP. Madam Chairman, I yield myself 15 seconds just to say that our Republican alternative, our Republican health care bill, prevented unlawful recisions, had no lifetime caps on coverage, did not deny coverage to those with preexisting conditions, and was the only bill that was scored by CBO as lowering premiums. Also, we did it without spending $2 trillion and 2,400 pages and did not create a board of 15 unelected bureaucrats.

With that, I yield 2 minutes to the distinguished chairman of the Health Subcommittee, the gentleman from California (Mr. HERGER).

Mr. HERGER. Madam Chairman, I rise in strong support of H.R. 5.

Today's debate goes to the heart of the question of what kind of health care system we want to have. House Republicans believe the solution to making health care more affordable and strengthening the Medicare program is more freedom, empowering innovation and competition to reduce costs and improve quality, giving seniors the opportunity to choose the health care that's best for them.

The Independent Payment Advisory Board, IPAB, represents a very different approach to controlling health care costs, a one-size-fits-all plan in which unelected and unaccountable bureaucrats decide what kind of health care you should get. Physicians, patient advocates, and respected scholars, Democrats and Republicans alike, have warned that the IPAB threatens access to care for seniors and people with disabilities. The board has the authority to meet and make decisions in secret without considering the perspective of patients and their doctors and without judicial review. Madam Chairman, this is the wrong approach. IPAB must be repealed.

H.R. 5 also includes important reforms to reduce the cost of frivolous medical lawsuits. The President's health care overhaul has not fulfilled his promise to reduce health insurance premiums by $2,500, but commonsense medical liability reforms will truly bring down health costs both for American families and the Medicare program.

I urge the passage of this legislation.

Mr. LEVIN. I now yield 3 minutes to the distinguished member of our committee, Mr. BLUMENAUER, from the proud State of Oregon.

Mr. BLUMENAUER. Madam Chairman, I come to the floor coming from the Budget Committee, where my Republican colleagues are busy at work breaking the commitment that we all made to one another establishing a path forward on deficit reduction. It wasn't just a commitment that was made amongst legislative leaders; we wrote it into law. Now they're breaking that commitment.

They are involved with the budgets that are going to actually reduce health care in this country, and yet they would come to the floor and ask us to get exorcised about something that may happen 10 years from now.

I find the language curious. You could just as easily say, instead of the Supreme Court, you could talk about nine unelected judicial hacks meeting in secret that have no judicial review. They're a power unto themselves.

Get a grip, people.

IPAB comes into play only if we are unable to deal with controlling costs. Remember, our Republican friends—I voted against it—set up the SGR so that we have to have a doc fix every year, putting cost control on automatic pilot, because they didn't have the gumption year after year to deal with the policy changes to make a difference.

We have MedPAC for Medicare that gives us recommendations, but Congress blinks.

□ 1730

What's going to happen maybe 10 years from now, if costs are not under control, then there will be 15 people who are experts, who are recommended by congressional leaders, nominated by the President, confirmed by the Senate, who will make recommendations if Congress doesn't do its job. Then Congress will be able to take those recommendations and put in place alternatives. Nothing is going to happen here without Congress having the ability to match and do better.

But because Congress historically hasn't had a backbone and has failed miserably in areas of cost control and reform, we put into the health care reform act a fail-safe, not unlike what we've had to do to take base closing out of the hands of the logrolling in Congress and have a streamlined procedure. This is a fail-safe. This makes sense. It's not going to happen unless Congress fails in its task.

I strongly suggest that what we ought to do—rather than trying to unravel health care reform on this floor and in the Budget Committee—is accelerate it.

The Acting CHAIR (Ms. HERRERA BEUTLER). The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 2 minutes.

Mr. BLUMENAUER. Remember, the elements in the health care reform, when you unwind them, virtually without exception, have their roots in a bipartisan consensus of what needs to happen to make our health care system more efficient.

Many of these pilot projects, these demonstrations have actually already been at work in States across the country, including some that have Republican Governors. We're doing some of it in the State of Oregon. It has the dreaded mandate, which was a Republican think tank option that was an alternative to HillaryCare 20 years ago, and, in fact, was put in place by Governor Romney, who is going to be, by all accounts, the Republican standard bearer for President.

This is an example of Congress at its worst, making up a problem, attacking something that would help us do our job better. They are trying to demonize it in a way that you could do with virtually any other board or commission, ignoring the safeguards, ignoring the fact that the statute says specifically that it shall not ration. Instead, they are willing to allow insurance companies to ration and ignore the need for reform.

I strongly urge rejection of this misguided proposal. Let's get back to work. Let's do our job. It will never come into play if Congress does its job, and Congress will always have the last say.

Mr. CAMP. Madam Chairman, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentlewoman from Kansas (Ms. JENKINS).

Ms. JENKINS. I thank the chairman for yielding.

The President's health care law is chock full of pitfalls, tax increases, government overreaches, and newly created bureaucracies. But perhaps the most outrageous and dangerous manifestation is the Independent Payment Advisory Board.

This board of 15 arbitrarily appointed bureaucrats is charged with slashing Medicare reimbursement rates, which will drastically impact the medicine and procedures available to our seniors.

The IPAB has no mandate to improve patient care. Its mandate is to meet a budget, and it may ultimately lead to the rationing of care for our senior citizens. The IPAB gives these bureaucrats unprecedented power with no accountability, no judicial review, and no requirement for transparency. The simple fact is that the American people don't want and certainly don't need bureaucrats coming between us and our doctors.

Today we ask for the repeal of the IPAB, but we will also make up for any amount of lost savings this absurd board would have been able to find by strengthening our health care system with honest and straightforward medical liability reform.

Frivolous lawsuits have caused malpractice insurance rates to skyrocket. As a result, the price of health care for patients has followed the same trajectory, and we've seen dramatic health care access issues for our rural communities.

If we repeal the IPAB and enact these commonsense medical liability reforms, this legislation will reduce the

deficit by over $45 billion, according to the CBO. These are commonsense, bipartisan, fiscally responsible reforms that strengthen the doctor-patient relationship and put the American people back in charge of their health care decisions.

I urge all of my colleagues to support this.

Mr. LEVIN. I yield 4 minutes to a member of our Ways and Means Committee, the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I thank the gentleman from Michigan for yielding me this time.

Madam Chair, I rise in opposition to H.R. 5.

Two years ago, the Affordable Care Act was passed, and I was a proud supporter of that legislation. Not because I thought it was the perfect bill, but because I thought it gave us the tools and the potential to reform a health care system that was in desperate need of reform, of putting things in place that could deliver better quality of care that is given for a better price, and also increasing access to health insurance throughout the country, and to finally address the 52 million uninsured Americans that we have living in our own communities.

Yet the ultimate verdict on whether health care reform works or fails for everyone in this country is whether we can figure out creative ways of bringing down those costs in health care.

One thing I do know under the health care reform bill that has been enacted is that in my congressional district in western Wisconsin, this year alone 4,200 young adults are able to stay on their parents' health care plan; whereas, before they couldn't. What a relief that has been to those families, making sure that those kids, many of whom are in school, can stay on the family plan.

Of the 5,800 seniors this year who have fallen into the doughnut hole, they are seeing a cost savings of roughly $610 apiece because of the 50 percent price discount they now get under this legislation. That's not peanuts in western Wisconsin. There are 86,000 seniors now that are able to go and get preventive care services without copays, without deductibles, without out-of-pocket expenses. We want them to go in and get those tests so something worse doesn't happen to them, which will inevitably drive up the cost for everyone in the Medicare system.

There are 15,000 small businesses in western Wisconsin that now qualify for tax credits for providing health care to their employees to make it more economically feasible for them to do what they want to do, and that is provide health care coverage for their workers. That 35 percent tax credit goes up to 50 percent in 2014, when we're able to move forward on the creation of the health insurance exchanges. And 39,000 children in western Wisconsin who have a preexisting condition can no longer be denied healthcare coverage in their lives.

This is the right thing to do, and yet we have to figure out some cost-containment measures to make sure that it's sustainable and affordable in the future.

The Independent Payment Advisory Board is a backstop in that effort. It's not the first thing we go to in order to find cost savings, but if costs do exceed target growth rates, the Independent Payment Advisory Board is able to come forward—with Congress—with recommended cost savings that will be implemented only if Congress refuses to act ourselves. And that has been the problem around here for too long. We get recommendations from MedPAC and other entities on where we can find cost savings, but because of the inability of Congress to stand up to some powerful special interests, quite frankly, it's very difficult for this institution to act by itself in order to implement those cost savings.

I find it a little bit humorous that my colleagues on the other side are so fearful of this payment advisory board making some decisions when it comes to the rising health care costs when they feel perfectly comfortable turning these decisions over to private insurance companies who are motivated by profit and trying to maximize their margin of gain by providing health care coverage. I think that's nonsensical.

Ultimately, if health care reform is going to work, we have to change the way health care is delivered in this country so that it is more economical in how we pay for it, so that it is value- and not volume-based anymore.

I come from an area of the country with health care providers that have models of care that are highly integrated, they are very coordinated, they are patient-focused, and they are producing some of the best results in the Nation. Yet a Medicare recipient in La Crosse, Wisconsin, receives on average about $5,000 a year compared to $17,000 in Miami. Yet the results in La Crosse are much better than the results in Miami, and there are studies out there showing there is over-utilization in the delivery of health care, which is driving up costs for everyone.

The Acting CHAIR (Ms. HERRERA BEUTLER). The time of the gentleman has expired.

Mr. LEVIN. I yield to the gentleman 2 additional minutes.

□ 1740

Mr. KIND. I thank the gentleman.

The studies show that one out of every three health care dollars is going to tests, they are going to procedures, they are going to things that don't work. They're not improving health care. And oftentimes, because of the over-utilization that patients are receiving, many of these patients are being left worse off rather than better off. So we've got to reform the delivery system, which the Affordable Care Act puts in place. But ultimately, we have to change the way we pay for health care. We need to end and destroy the fee-for-service system, which is all volume-based payments, and move to a value-based reimbursement system. The IPAB commission can help us get to that promised land.

And this has been a bipartisan issue for a long time. Dr. Frist has been talking about payment reform that's value-based for as long as I can remember. My own former Governor, former HHS Secretary Tommy Thompson, has said repeatedly that if we do anything, make sure that we change the payment system so it is value- and not volume-based anymore. Mark McClellan, President Bush's CMS Director, the same thing. So there's been bipartisan recognition that we have to do it. IPAB gives us an opportunity to do that, but it's not the final say. They merely come forward with their recommended cost savings and challenges the Congress to come up with an alternative cost savings.

So, folks, this is gut-check time. This is whether we are serious about trying to bend the cost curve. Their plan would get rid of Medicare. It turns it into a private voucher and a voucher that's inadequate to address the costs that seniors face. They don't reform the way health care is delivered. They're not reforming how we pay for health care. They're merely changing who pays for health care under Medicare, and those costs are going to be shifted on the backs of our seniors. That's no way of reforming a health care system that's in need of reform, that only address the Medicare portion within our budget.

What we need to be working on and what the Affordable Care Act gives us the tools to do is to reform the entire health care system, both public programs and private programs. And that's something that we fundamentally have to do to get our economy back on track, creating good-paying jobs. Because if you just repeal it now, we go back to the status quo, which means more uninsured, higher costs, and our businesses are less able to compete globally. I encourage my colleagues to reject H.R. 5.

Mr. CAMP. I yield myself 15 seconds.

I would just say that with regard to IPAB, the 15 unelected people appointed by the President, Congress can't simply reject the IPAB findings. Congress has to reject and find those savings somewhere else within the program, unlike the Base Closure Commission, which some Members have cited. And these are all people appointed by the President.

So with that, I would yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Minnesota (Mr. PAULSEN).

Mr. PAULSEN. I thank the gentleman for yielding.

Madam Chair, the very foundation of our health care system is that relationship between a patient and their doctor. But the President's new health care law inserts government bureaucracy in the middle of that longstanding

relationship. One clear example of this is the establishment of the Independent Payment Advisory Board, this 15-member board of unelected, unaccountable bureaucrats who will soon have the authority to dictate our Nation's Medicare policy by effectively deciding what health care seniors can receive. And since its inception, IPAB has been the focus of vocal and sustained opposition from doctors, physicians, and patients because it does threaten to reduce beneficiaries' access to treatments and services that are included in the Medicare program.

Madam Chair, the repeal of IPAB has strong bipartisan support. Given the widespread concern about the impact that IPAB will have to deny quality health care services, it's no wonder that about 350 organizations that represent veterans, seniors, employers small and large, as well as doctors and physicians and consumers in all 50 States, support its repeal. Although a majority of us here in Congress have registered our concerns about IPAB and support its repeal, it is the American public, including many folks from my community, who remain the most vocal about ending this program before it is implemented.

The American people have every reason to be worried about this IPAB board. The unchecked powers of IPAB have been explained by my colleagues already at length. Simply put, IPAB is a dangerous new government agency that will be made up of unelected bureaucrats with no oversight, no accountability, and no recourse for seniors to appeal any of IPAB's decisions. The decision-making, the deliberations, the meetings that IPAB hold do not have to be held in public.

Madam Chair, rather than endangering Medicare beneficiaries, we should be empowering them. Rather than making decisions behind closed doors, we should be having these discussions in public in our hearing rooms between doctors, patients, and consumers. Let's do the right thing and protect American seniors by repealing this overreaching provision.

Mr. LEVIN. I now yield 4 minutes to the gentleman from Texas, a member of our committee, Mr. DOGGETT.

Mr. DOGGETT. I thank the gentleman.

Many an American family has been wrecked by soaring health care costs. We know it's been a leading cause of personal bankruptcy. We know that spiraling health care costs have been a leading cause of credit card debt, and now Republicans have continued their sustained effort to wreck the Affordable Care Act.

As we have been witnessing at the same time that this debate is going on within the Budget Committee, on which I also serve, the Republican plan to end the guaranteed benefits of Medicare, they think that our seniors pay too little, so they offer a voucher plan that would result in our seniors having to pay much more for their health care. They would tell the senior or the individual with disabilities, Go out and fish for insurance with this voucher. But they won't find any fish biting, though they will continue to be bitten with rising health care costs. That's why President Lyndon Johnson created Medicare in the first place, because private insurance companies weren't interested in covering the old and the infirm.

Today's approach is the same approach that Republicans took last year when they had their signature accomplishment. Right in the first month of their takeover of this Congress, they came out here with this page-and-a-half bill that I call the ''12 platitudes.'' They repealed what they said they didn't like, and they came forward with 12 lines of what they said they would replace the Affordable Care Act with. But all we've gotten since then are bills that began after they did the total repeal—repealing individual sections, like school health care clinics, like this proposal dealing with the question of health care costs.

We know they don't like it. We know they don't like President Obama and anything that he is for. They tell us everything that is wrong with the Affordable Care Act, but they sure can't come up with a better idea that they have the courage to bring to a vote in the Ways and Means Committee or bring to a vote on the floor of this House. It's all about what they're against, but they haven't brought any of the 12 platitudes that they approved last year into a legislative form to deal with this issue of spiraling cost for our government and families or to deal with any other aspect in the Affordable Care Act.

Now, I have to say, quite frankly, that I wish the Affordable Care Act were as good as they think it is bad. It's not. It is a compromise of a compromise—it has many inadequacies—but compared to the Republican alternative of doing nothing and compared to the broken health care system that has wrecked so many American families who are faced with a health care crisis, this approach is far superior.

This board's opponents tell us that Congress should be able to make all these decisions. Well, I've served on the Ways and Means Committee and on the Health Subcommittee previously for a number of years. I wish it could be so, and I think we could play a more constructive role. But, frankly, the history is that Congress hasn't done a very good job of controlling costs. When we have taken steps to control costs, as we did with the $500 billion in cost control that we put into the Affordable Care Act that increases the solvency, extends the solvency of the Medicare trust fund by 12 years, all we've gotten is attack and criticism from them for the steps that we took that did limit cost.

So I don't view this aspect of the Affordable Care Act as necessarily the best way to do it or the only way to do it. But when all they offer us is nothing except vouchering Medicare for our seniors and similar, I think we should stick with the reform that we have until a better alternative is presented, and that alternative is not being presented tonight.

Republicans don't have a plan to make the hard decisions to lower health care costs. They just want our seniors, individuals with disabilities, and families across America to pay more so that they can preserve all these tax breaks for the wealthiest and most economically successful people in our society and, for all of those corporations that export jobs abroad, to continue to provide them incentives to do just that.

□ 1750

I believe that this bill should be rejected just like their other repeal efforts until they come up and present on the floor a better idea, and I don't think they have one. They just have all the retreads of the Bush-Cheney years. Until then, I say stick with the Affordable Care Act.

Mr. CAMP. I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Illinois (Mr. ROSKAM).

Mr. ROSKAM. Mr. Chairman, thank you for yielding.

Madam Chairman, did you notice something? The gentleman from Oregon—and I took a note and I'm kind of paraphrasing, but he basically was arguing from the other side of the aisle that IPAB, this cost control board, will basically never come into play as long as Congress does its job. During the health care hearing that we had in the Ways and Means Committee, the gentleman from Wisconsin on the other side of the aisle characterized IPAB as a leap of faith, and now we just heard from the gentleman from Texas who acknowledged it's not the best solution, but let's stick with it.

Here's the problem with sticking with this failed solution, Madam Chairman. They're asking seniors to bear the brunt of this.

We had an expert witness, Madam Chairman, who came into the Ways and Means Committee, and I posed this question to him. I said: There's no rationing per se. It's defined out of the bill, although it's not defined in the bill. But the bill says there can't be rationing, but can there be per se rationing? In other words, if coverage is denied based on cost, is that rationing?

And he said: Absolutely, Congressman.

So think about what the other side of the aisle is asking. Take a leap of faith, a leap of blind faith, that somehow Congress is going to come up with the remedy and that seniors are not going to be held at risk.

The gentleman from Texas said that we're only here criticizing things. Let me tell him, Madam Chairman, what we are for.

We're for the repeal of IPAB. We're for the repeal of something that is

going to put such downward pressures on seniors, it will make people's heads spin. What we've got to do is make sure that we put remedies in place that empower seniors, that create patient-centered health care and don't deny care and put more out-of-pocket costs on the backs of seniors.

We can't repeal this thing fast enough. We need to vote ''aye'' and get this done.

Mr. LEVIN. It's curious. You're talking about, according to CBO, a board whose operation would be triggered in 2022. You come here and scare people. It doesn't work. You talk about rationing. You're talking about an operation 10 years from now.

Right now, health care is being rationed. You have 50-plus million people who have no insurance, 50-plus million people who have no insurance at all, and you haven't come up with a bill that would address that.

I am proud to yield 4 minutes to the gentleman from New Jersey (Mr. ANDREWS), who has been so key in the health care debates.

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

Mr. ANDREWS. I thank my friend for yielding and for his compliment.

When our mothers and fathers go to the doctor or the hospital, we want to be sure they get the best health care that can possibly be delivered and that their doctor and their family think they ought to get; and that health care should never be subject to the strategic plan of any insurance company or the whims of the marketplace.

Because it is not profitable, as a general rule, to take care of the aged and the infirm, President Johnson and this Congress, in 1965, created the Medicare guarantee, and they guaranteed that our seniors and people with disability would get the care they need irrespective of the whims of the marketplace. The majority brings this bill to the floor today because they raise fears about what might happen to the Medicare guarantee 10 years from now.

There is a very important question about Medicare before this Congress, but it's coming about 8 days from now, not 10 years from now, when the majority will bring yet another budget that systematically unravels and ends the Medicare guarantee.

Call it what they will, when you have a system where the healthiest and the most prosperous and, in some cases, the youngest retirees can opt into a private insurance system, those that will be left in regular Medicare will be the aged and the infirm and the poor. Medicare will then go the way of Medicaid, which their budget cuts by nearly 40 percent, according to some estimates.

Frankly, as a diversion from the real threat to Medicare, which is yet another Republican budget coming to this floor 8 days from now that will end the Medicare guarantee, we now have a series of wild accusations about the Independent Payment Advisory Board, which the Congressional Budget Office says, based on current cost performance, would have no role for at least 10 years.

So we hear all these things about these unelected bureaucrats making decisions. I would say, Madam Chair and fellow House Members, consider the source.

Two years ago, we heard that everyone in America would be in a government-run health plan if the Affordable Care Act passed. It hasn't happened.

Two years ago, we heard that every small business in America would be forced to buy unaffordable health insurance for their employees. It hasn't happened.

Two years ago, we heard that every American family would have to bear a crushing tax increase because of the Affordable Care Act. It hasn't happened.

Two years ago, we heard there would be drastic cuts in benefits to Medicare beneficiaries because of the Affordable Care Act. Not only has it not happened, benefits have increased. Seniors pay a lower share of their prescription drug costs and Medicare pays more. Seniors have access to annual preventive checkups without copays and deductibles. It hasn't happened.

Finally, lest we forget, those who say the IPAB is such a virulent threat to Medicare and said there were death panels in the Affordable Care Act, where are they? Can anyone on the other side point to one person who has gone before a government committee and been denied health care since the Affordable Care Act and as a result of that act?

The Acting CHAIR. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman 2 additional minutes.

Mr. ANDREWS. It is a fiction—it is a distortion—and here we are at it again.

Now, in the first 2 weeks of their majority, the majority came here and made a promise to the American people. They said: Yes, we're going to try to repeal the Affordable Care Act, but then we're going to replace the Affordable Care Act. It was repeal and replace.

We've had the repeal as a recurring scenario on the floor. This is just another chapter in it. Where's the replace?

For the provision that says that people 26 and under can stay on their parents' plans, if you repeal the Affordable Care Act, where is your bill to replace it?

For the provision that says that no person can be denied health insurance or charged more for it if they're diabetic or if they have breast cancer or asthma, where is their replacement?

For the provision that says that seniors who fall into the doughnut hole get significantly greater help in paying for their prescription drugs, where is their replacement?

For the provision that says that small business people who voluntarily provide health insurance to their employees get a significant tax cut, where is their replacement?

There's a saying that our friend from Texas says about being all hat and no horse. The majority is all repeal and no replace.

So this is yet another example of a debate that's tired, worn out, and seen its day. The Affordable Care Act is helping improve the lives of Americans. An empty political debate like this one isn't, and certainly ending the Medicare guarantee, as the Republicans will try to do in 8 days, is the wrong way to go, and so is this bill.

□ 1800

Mr. CAMP. I yield myself 30 seconds.

I would just say to my friend from New Jersey who says ''consider the source''—and the source is the American people—73 percent have expressed concern that the Medicare cuts recommended by IPAB would not only go into effect without congressional approval, but would also hurt their ability to get the Medicare services they need.

Let me just say I hear from my friends on the other side how important IPAB is to the integrity of Medicare. It is not effective until 2022. And let me just say with regard to the Medicare cuts that are in your health care bill, most of them don't take place until 2014. And I would just say that our health care bill included provisions that covered preexisting conditions, included many of the provisions the gentleman mentioned, and we did it without a tax increase, and we did it as the only health care bill that was scored by the Congressional Budget Office as decreasing premiums for American citizens.

With that, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentlewoman from Tennessee (Mrs. BLACK).

Mrs. BLACK. Let's, first of all, start with the simple fact that no one in this room can deny, and that is there are 10,000 baby boomers that are added to the rolls each day. Medicare's exponential growth will cause the program to go bankrupt in 10 years. The Congressional Budget Office and the Medicare and Medicaid trustees have been ringing these alarm bells about Medicare's dwindling finances, and we must act now.

Over 46 million Americans rely on Medicare for their health care, and something must be done soon to save this program for future generations. Unfortunately, the President's budget proposal failed to address Medicare's grim future. Instead, what we have on the law books now is a 15-member board that is charged with cutting costs and denying care to our seniors. The Independent Payment Advisory Board established in the health care law would cut physician payment rates, forcing many doctors to stop seeing Medicare patients. This board makes senior care harder to access and

puts bureaucrats between the patients and their doctors.

Now, it's been said here today there's not another plan. Let me correct that. There is another way. As a matter of fact, there is a bipartisan way. The plan for Medicare that is a bipartisan proposal does three things. It does not make any changes for those at or near retirement, it offers guaranteed coverage options to seniors regardless of their preexisting conditions or health history, and it is financed by a premium-support payment that's adjusted to provide additional financial assistance to those who are low-income and less-healthy seniors, and more wealthy seniors will pay.

So the choice is clear: we can continue to stick our heads in the sand and go on with a program that takes away choice for our seniors, limits their care and supports the status quo, or we can improve a plan to save Medicare and provide more choice. For me, the choice is clear.

Mr. LEVIN. Let me just say it is strange to say you save something by destroying it. That is 1984 in 2012.

I now yield 2 minutes to the gentleman from New Jersey.

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

Mr. ANDREWS. I thank my friend from Michigan for yielding, and I want to comment on something, Madam Chair, that my dear friend from Michigan, the chair of the Ways and Means Committee, said. As has become part of the Republican catechism, he talked about the so-called Medicare cuts that were in the Affordable Care Act. It is correct that in the Affordable Care Act we reduced Medicare spending by $495 billion by cutting corporate welfare to insurance companies, by cutting overpayments to medical equipment suppliers, and cracking down on fraud and abuse of the Medicare program. The majority must agree with these ideas because in the budget they are marking up today in the Budget Committee, every penny of that $495 billion in savings is included in the majority's budget. The majority must agree with these savings, and I commend them for it, because the budget resolution that passed here last year that essentially every member of the majority voted for included every penny of that $495 billion in savings.

So I would ask my friends on the other side that if they're so in objection to those cuts, why did you vote for them last year? And why are they in your budget this year? I would be happy to yield.

Mr. CAMP. Since the gentleman has asked, we are using those dollars to protect the Medicare program. You used those dollars to create a new entitlement which we can't afford.

Mr. ANDREWS. Reclaiming my time.

Mr. CAMP. Certainly you would reclaim your time.

Mr. ANDREWS. Because the gentleman's point was there was something wrong with the cuts. Obviously, he would contradict that point. Every dollar of the cuts in the Affordable Care Act have been embraced, supported and voted for by the Republican majority for which you deserve credit.

Mr. CAMP. I yield 2 minutes to a distinguished Member from Mississippi (Mr. NUNNELEE).

Mr. NUNNELEE. Madam Chair, I thank the chairman for his leadership in this area. I thank you for yielding.

I find it fascinating as I listen to the debate that even while discussion is going on on the budget, we're hearing accusations that say Republicans want to end Medicare. In reality, 2 years ago when the national health care bill passed, that ended Medicare as we know it. That cut half a trillion dollars out of Medicare spending. That put in place this unelected group of bureaucrats that will make health care decisions for seniors.

And I hear this afternoon suggestions that say, well, it may not even go in effect for 10 years; let's wait and see. Well, we have a saying in Mississippi: Do you know when is the best time to kill a snake? That's the first time you see it. This IPAB is a snake, and the best time to kill it is today. The club and the vehicle by which we'll kill it is this bill, and that's why I'm going to vote for it, and I urge all of my colleagues to do the same.

Mr. LEVIN. It is now my privilege to yield 3 minutes to the distinguished gentleman from Missouri (Mr. CLAY).

Mr. CLAY. I thank the gentleman from Michigan for yielding.

Madam Chair, my friends on the other side of the aisle want to repeal the Affordable Care Act. Since straight-out repeal didn't work, they are trying to dismantle it bit by bit. I'd like to focus on the effects of the ACA, or the Affordable Care Act, on women's health.

The ACA is the greatest improvement for women's health in decades. The health care needs of women are greater. Historically, women have played a central role in coordinating health care for family members. Here are just some of the ways that the ACA, a bill that I am proud to have helped pass, will improve women's health:

Women will not have to pay more than men for the same insurance policies. Imagine that. Women will not be denied coverage because they are sick or have preexisting conditions. Oh, that's an improvement. Women will be guaranteed preventive services with no deductibles or co-pays. More low-income women will have timely access to family-planning services. Wow, miracle of miracles. Nursing mothers will have the right to a reasonable break time and a place to express breast milk at work. Pregnant and parenting women on Medicaid will get access to needed services. That would be an improvement. Senior women will save thousands of dollars as reform closes the Medicare prescription drug coverage gap. And women will be able to comparison shop when choosing health plans for their families. Family caregivers, who are typically women, will benefit from new supports that help them care for their loved ones while also taking care of themselves.

Madam Chair, as a son, as a father, and as an American, I strongly support the ACA and its improvements to health care for everyone, especially women. Dismantling the act, whether through immediate repeal, lawsuits, or piece by piece, means losing those improvements, and that is unacceptable.

□ 1810

Mr. CAMP. Madam Chairman, I yield 2½ minutes to a distinguished member of the Ways and Means Committee, the gentleman from Washington State (Mr. REICHERT).

Mr. REICHERT. Madam Chair, 2 years ago, the President's massive health care plan came before us, and then-Speaker PELOSI said we had to pass this bill to find out what was in it. Well, you know what? We're finding out what's in this bill.

In the last 2 years, we've had 47 committee hearings in six different committees. We've taken 25 floor votes to repeal, defund, or dismantle harmful elements of this massive $1 trillion, 2,000-page government takeover of our Nation's health care system. We're finding out what's in this bill.

We've already repealed the 1099 requirement with bipartisan support. We've already repealed the CLASS Act with bipartisan support. Now we're awaiting the Supreme Court's decision on whether the individual mandate is constitutional.

I think the public is now beginning to learn a little bit about this bill themselves. I think they know there is a 3.8 percent tax on small businesses, our job creators. There's another 2.3 percent tax on medical devices—wheelchairs for our seniors, hearing aids for our disabled folks. These are things that are in this bill. There's a 40 percent tax on your health care plans.

Now they keep telling us, too, that if you like your health care plan, you can keep it. Well, President Obama, himself, said, you know, there may have been some language snuck into this bill that runs contrary to that premise. Who do we believe here? What do we believe?

Here we are again. One more thing to add to the list of what we're finding out, IPAB, the Independent Payment Advisory Board. This unelected board makes decisions and gives recommendations to Congress for cutting Medicare payments. So this panel of unelected bureaucrats unilaterally decides what kind of care is now available and allowable to our seniors, to our veterans, and to our Americans with disabilities—not doctors, not nurses, not anybody who has medical or scientific training. These are bureaucrats.

Just what we need, more bureaucrats.

If we don't vote to repeal this provision, a gang of 15 unelected bureaucrats will have the ability to cause cuts to Medicare payments without anyone else's input.

The Acting CHAIR. The time of the gentleman has expired.

Mr. CAMP. I yield the gentleman an additional 30 seconds.

Mr. REICHERT. So this rationing board will threaten seniors' access to care in secret. There is absolutely no requirement for openness or transparency or for those bureaucrats to hold public meetings or consider input on its proposals. The IPAB, this board of bureaucrats, is unaccountable; it's secretive and threatens patients' care.

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

We're talking about a board whose operations trigger, according to CBO, 10 years from now.

I just want to say to those who say it's unaccountable: Every one of their recommendations will come before the Congress of the United States, every single one. What's unaccountable are the statements that are made on this floor that are not true.

I reserve the balance of my time.

Mr. CAMP. Madam Chairman, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Madam Chairman, many Members of Congress didn't have the time or the choice to read this new health care law before it became law. After it was passed, I asked our economists of the Joint Economic Committee—they spent 4 months going through every page and provision of this new law—to show the American public just what this new health care takeover looked like. They went through all 2,300 pages of the bill, and this is what the new health care law in America looks like—well, actually, not completely. We could only fit one-third of all that new bureaucracy on one page.

Here are the physicians, over in that corner are the patients, and in between are 159 new Federal agencies and bureaucrats in between you and your doctor.

We can do better for the American public than this horrible health care law, and we're doing that today.

Today, we're going to take on—this chart, the way it works, everything in dark blue is a new expansion of government; everything in orange, potential rationing boards; everything in green is $1 trillion of new tax increases or slashing cuts to Medicare. All the light blue provisions deal with expansion of government into the free market.

But today, we're going to act. We're not going to wait. We're going to act to repeal one of the key rationing boards. This Independent Payment Advisory Board, you've heard today, 15 unelected bureaucrats, will make life-or-death decisions about treatment in the future.

My mom is one of those Medicare seniors who I have no doubt, if this is not repealed, will someday see her treatments limited by these unelected bureaucrats. Our Democratic friends say, We're not rationing, because the government will not actually say ''no'' to a senior who needs care. They just won't reimburse the doctor or the local hospital or the local hospice care to take care of them.

I don't know what you call that, but I call that rationing.

The Acting CHAIR. The time of the gentleman has expired.

Mr. CAMP. I yield the gentleman an additional 30 seconds.

Mr. BRADY of Texas. I thank the chairman. I will be very brief.

This board has unlimited power to slash even more than that, and Congress is virtually powerless to stop it.

This is America. We don't allow these bureaucrats to make these life-or-death decisions. Republicans in this House are going to repeal this dangerous bureaucracy, and we are, when we get a chance, replacing it with affordable health care for America.

Mr. LEVIN. No. What the Republicans would do would be to send the decisions already there in large measure to insurance companies.

I reserve the balance of my time.

Mr. CAMP. Madam Chairman, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Madam Chairman, the bill we're considering today, H.R. 5, the Protecting Access to Healthcare Act, or PATH, is about patient access to care, plain and simple.

In the months leading up to the passage of the health care law and since the law was enacted, Congress has spent countless hours talking about the need to increase access to health care. The health care law signed nearly 2 years ago was the wrong direction for our country and for our citizens, and it will negatively impact access to care.

The two issues that we're going to address here today in this legislation—repealing the Independent Payment Advisory Board, or IPAB, and enacting meaningful medical liability reforms—are key to ensuring that all Americans have access to quality care.

Now, as to the first piece of this legislation, the IPAB, the Independent Payment Advisory Board, let's be very clear: nothing about these advisory rulings are advisory. Good luck to anybody; good luck if you try to ignore the advice of the IPAB. It's going to be more like a medical IRS than an advisory panel.

Let's be clear: the very purpose of this IPAB is to save money by restricting access to health care for Medicare beneficiaries. It will achieve these savings by ratcheting down payments to providers who are already underpaid by Medicare. This will lead to fewer doctors who are willing to see Medicare beneficiaries, and, undeniably, this will lead to delays and denials of care.

This board, as has been said many times, is made up of 15 unelected bureaucrats—and unaccountable ones at that—that will wield enormous power, and there are no checks and balances in place to ensure that authority is being used appropriately. This abdicates Congress' responsibility, and it threatens care for our Nation's seniors.

Make no mistake that IPAB must be repealed. We don't need a medical IRS.

The second part of this legislation is going to reform our medical liability system. Across our country, our medical profession has practiced defensive medicine out of fear of frivolous lawsuits. This not only drives up health care costs, but it creates serious doctor recruitment and retention problems, especially in the so-called ''high-risk'' disciplines such as orthopedics, neurosurgery, emergency medicine, and obstetrics.

The Acting CHAIR. The time of the gentleman has expired.

Mr. CAMP. I yield the gentleman an additional 15 seconds.

Mr. DENT. This medical liability crisis has had serious implications in my State of Pennsylvania. It's time we act on this issue.

I live in a State where we train a lot of doctors, but we can't retain them and we can't recruit them. It's a very serious problem for us.

It's time we pass this legislation. We'll say more about medical liability tomorrow in the amendment process.

Support the legislation.

Mr. LEVIN. I reserve the balance of my time.

Mr. CAMP. Madam Chairman, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Louisiana, Dr. BOUSTANY.

□ 1820

Mr. BOUSTANY. I thank the chairman of the full committee for yielding time to me.

I had a great career as a cardiac surgeon in treating thousands of Medicare patients in my career. And my career ended prematurely because of a disability.

But I learned something a long time ago from my father, who's a family doctor, who went before me, who taught me about the art of medicine. And the most important thing he taught me, despite all the technology we have, is that trust in the doctor-patient relationship is the most important thing, the most important foundation of good health care, high quality health care.

Look at this chart. What's wrong with this?

Clearly, you could see all the bureaucratic entities. But where's the doctor, and where's the patient?

The doctor is down here in the corner, and I think way off in the other corner are the patients. So all this stuff in the middle is what undermines the trust in the doctor-patient relationship.

Now, we had Health and Human Services Secretary Kathleen Sebelius in front of our committee recently, and

we were asking about this Independent Payment Advisory Board. We asked the question about rationing, and what came out was, number one, there's no definition of rationing in the statute, so the Department will have to write rules. And she admitted in committee—very tacitly but effectively admitted—that they're not going to be able to write rules that can actually protect seniors from IPAB.

Even the left-leaning Kaiser Family Foundation admits, IPAB must issue cuts to meet spending targets ''even if evidence of access or quality concerns surfaced.'' AARP warns IPAB's Medicare cuts ''could have a negative impact on access to care.''

Both of those are really understatements. According to Medicare's own actuaries, Medicare physician payments could fall to less than half of projected Medicaid rates under current law.

The Acting CHAIR. The time of the gentleman has expired.

Mr. CAMP. I yield the gentleman an additional 15 seconds.

Mr. BOUSTANY. We won't control costs by cutting Medicare provider reimbursements below the cost of providing care. And if left on the books, IPAB will endanger the lives of seniors and delay access to providers. It's very clear.

This undermines the doctor-patient relationship. It undermines trust in our health care system. It undermines quality, and we will not control costs with IPAB. That's why we must repeal it.

Mr. LEVIN. I yield myself 1 minute.

The present system doesn't have enough primary care. I know from my own experience that there's a lack of family physicians and primary care physicians. The Affordable Care Act strengthens that program, will strengthen the relationship between the physician and the patient. And for anybody to come here and scare patients and seniors into thinking that there is some kind of a wall that will be replaced is really not true.

Mr. BOUSTANY. Will the gentleman yield?

Mr. LEVIN. I yield to the gentleman.

Mr. BOUSTANY. We have a severe shortage of physicians in this country today, and it's getting worse, worse by the month and by the year. And as a physician who stays close to the physician community around this country, I am hearing all kinds of stories about physicians nearing retirement moving up that retirement date. We're seeing fewer people going to medical school. All of this is creating a major disruption in our health care system.

The Acting CHAIR. The time of the gentleman has expired.

Mr. LEVIN. I yield myself an additional 1 minute.

Look, I respect that. But the primary fact, the basic fact is that the Affordable Care Act addresses this issue more effectively than has been addressed before. There is more money for primary care physicians, for family physicians. That's what we need. That's what we need.

And to come here and raise the specter that this bill is going to diminish it, when its major purpose, among others, is to increase the availability, to have a linkage between the patient and the specialty care—

Mr. BOUSTANY. Will the gentleman yield for one more point?

Mr. LEVIN. I yield to the gentleman.

Mr. BOUSTANY. We have a severe shortage in cardiothoracic surgeons, in neurosurgeons, other key specialists that are very essential for the care of Medicare patients, and it's getting worse. We need both primary care and specialty physicians to deal with this patient population. It's getting worse.

The Acting CHAIR. The time of the gentleman has again expired.

Mr. LEVIN. I yield myself an additional 30 seconds.

Look, we need to address it, but destroying Medicare is not the way to address it. That's what you do. You destroy it. You destroy it when you say you're saving it.

I reserve the balance of my time.

Mr. CAMP. I yield 2 minutes to the distinguished gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. I thank the chairman for yielding.

I rise today in support of the Protecting Access to Healthcare Act. This bill will take an important step forward in dismantling the government takeover of health care that was passed by this body some 2 years ago.

The PATH Act essentially would repeal the Independent Payment Advisory Board included in ObamaCare, and I strongly support it.

Now, quite frankly, the IPAB that is the acronym that's been used often on the floor in this debate is probably something that most Americans are unfamiliar with. But they deserve to know that buried in section 3403 of ObamaCare, there's a powerful board of unelected bureaucrats, this so-called Independent Payment Advisory Board, whose sole job will be to save money by restricting access to health care for Medicare beneficiaries. That's the purpose of IPAB.

IPAB is required to achieve specific savings in years where Medicare spending is deemed to be too high. It will lead, inexorably, to rationing. It will take medical decisions out of the hands of doctors and patients, and it will reduce patient choice, unambiguously.

Furthermore, ObamaCare doesn't even require that IPAB do all of this in the public domain. There's no requirement that IPAB hold public meetings or hearings, consider public input on its proposal, or make its deliberations open to the public.

Unaccountable Washington bureaucrats meeting behind closed doors to make unilateral decisions that should be made by patients and doctors is unacceptable, and this IPAB must be repealed.

It was 2 years ago that we passed this government takeover of health care into law. It's important to note that the first act of this Congress in January 2011 was a full repeal of ObamaCare.

The Acting CHAIR. The time of the gentleman has expired.

Mr. CAMP. I yield the gentleman an additional 30 seconds.

Mr. PENCE. I thank the gentleman.

You'll never convince me that the Federal Government, under the Constitution, has the authority to order the American people to buy health insurance whether they want it or need it, or not. My hope is that in the days ahead, the Supreme Court will come to that conclusion.

I believe we must not rest, we must not relent until we repeal ObamaCare, lock, stock and barrel. But, for now, let's take the path that is before us. Let's pass the Protecting Access to Healthcare Act, and let's repeal this onerous Independent Payment Advisory Board once and for all.

Mr. LEVIN. I yield myself the balance of my time.

Look, the Supreme Court will be hearing the case about the individual mandate next week, and I don't think we want to argue this now. We don't have any judges here.

But let me say, on the individual mandate, it really is ironical that the more conservative, apparently, you are, the more you dislike the individual mandate, when the individual mandate was the central point within the health care reform proposal of conservatives in this country several decades ago. It was their central point in the eighties and in the nineties. And now they've reversed course and claim, I guess, what they proposed in the seventies and eighties was constitutional then is unconstitutional today. Talk about a flip-flop. That is, I think, maybe an unconstitutional flip-flop, but the Court will decide that.

□ 1830

Let me just say a word about cost containment and the importance of our addressing that and the importance of our reforming the present system, how we reimburse the fee-for-service system. I don't think it's been noticed that, in addition to IPAB, ACA has a number of provisions that will go into effect long before IPAB could become operational. Those systems are beginning to work.

For conservatives who talk about the importance of cost containment, they want to repeal an act that has within it not only the seeds of cost containment, but the instrumentalities of it. In fact, they're beginning to work well enough. That's why CBO says that it's going to be 10 years before IPAB is triggered.

So, those who come here who claim to be concerned about cost containment essentially are undermining their own position.

Well, this is act one of the Republican three-act play.

The second is to eliminate health care reform altogether, and the third is to take away Medicare.

I want to close reporting the views of AARP in terms of the Ryan budget proposal. It says:

> It lacks balance, jeopardizes the health and economic security of older Americans. A number of proposals in this budget put at risk millions of individuals by prioritizing budget caps and cuts over the impact on people.

Those who talk about the cap that would essentially be within the structure of IPAB's operation, that proposed cut is less than in the Ryan budget, which would be more severe, and essentially the implementation would be by insurance companies who are nameless, who are unaccountable.

So let me continue with another quote from the AARP:

> By creating the premium support system for Medicare beneficiaries, the proposal is likely to simply increase costs for beneficiaries while removing Medicare's promise of secure health coverage—a guarantee the future seniors have contributed to through a lifetime of hard work.
>
> The premium support method described in the proposal, unlike private plan options that currently exist in Medicare, would likely 'price out' traditional Medicare as a viable option, thus rendering the choice of traditional Medicare as a false promise.

So this is what I think we should do in terms of this three-act play of the House Republicans. That is to start by rejecting act one, this repeal of IPAB.

This may be a vote, but it's not going to be an act.

I finish with this. In a sense, you are acting because this isn't going to become law. You have not come up in all of these months with a comprehensive alternative to the Affordable Care Act. There's not been a comprehensive bill put forth. We haven't voted on a comprehensive bill in these days on the Ways and Means Committee. Instead, there has a piece-by-piece effort to dismantle what was health care reform to address a serious situation, including over 50 million people who go to sleep every night without health care coverage in the United States of America.

We should be ashamed of that. We should be ashamed. A couple years ago, we acted to lift that shame off of the shoulders of all of us in the United States of America.

I urge we vote ''no'' on this bill.

I yield back the balance of my time.

Mr. CAMP. Madam Chairman, I yield myself the balance of my time.

Nearly 70 percent of seniors are worried that IPAB will limit their Medicare choices and the coverage that's available to them under Medicare. I think this is the most troubling part of the health care law that the Democrats rammed through the Congress, and that is because this secret rationing board is given enormous power with no accountability.

The 15 unelected board members of IPAB are free to cut reimbursement rates for certain procedures or for services that they deem unnecessary. They can cut those rates so low that physicians will no longer be able to offer those services. That's pretty clearly the ability to ration.

We have had countless physician groups warn us about the IPAB. They're warning us that these cuts will force them to stop seeing Medicare patients, and the real problem is, because TRICARE reimbursement rates are tied directly to Medicare, that will have health care for our military personnel negatively impacted by the IPAB as well.

The Democrats gave IPAB blanket authority to operate in secret. There is no requirement that their deliberations, their reasonings for their conclusions must be made public. Also, the health care bill states directly that IPAB, and I'm quoting here, ''may accept, use, and dispose of gifts or donations of services or property.'' That's not a very subtle invitation for lobbyists and others with interests in issues before the Congress to impact these unelected and unaccountable IPAB members with cash, with gifts, with other items.

So not only do they have enormous power that if the Congress can't override automatically becomes law. But they have the ability to do it in secret, and the legislation states directly that they can accept gifts and donations.

So this is a troubling piece of ObamaCare that we need to repeal, and I urge my members to vote for repeal of this.

I yield back the balance of my time.

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

Madam Chairwoman, America's medical liability system is broken and in desperate need of reform.

□ 1840

Frivolous lawsuits drive physicians out of the practice of medicine. Limitless liability discourages others from high-risk medical specialties and substantially increases the cost of health care.

The solutions to this crisis are both well known and time tested, but the President's recent health care legislation did nothing to address the problems in our medical liability system.

We cannot wait any longer to fix the problem. We should pass this bipartisan medical liability reform legislation to cut health care costs, spur medical investment, create jobs, and increase access to health care for all Americans.

H.R. 5, the HEALTH Act, is modeled after California's decades-old and highly successful health care litigation reform. According to the National Association of Insurance Commissioners, the rate of increase in medical professional liability premiums in California since 1976 has been nearly three times lower than the rate of increase experienced in other States.

By incorporating California's time-tested reforms at the Federal level, the HEALTH Act saves taxpayers billions of dollars, encourages health care providers to maintain their practices, and reduces health care costs for patients. It especially helps traditionally underserved rural and inner-city communities and women who seek obstetrics care.

The reforms in H.R. 5 include a $250,000 cap on noneconomic damages and limits on the contingency fees lawyers can charge, and it allows courts to require periodic payments for future damages in order to ensure that injured patients receive all of the damages they are awarded without bankrupting the defendant.

The HEALTH Act also includes provisions that create a fair share rule by which damages are allocated fairly in direct proportion to fault, and it provides reasonable guidelines on the award of punitive damages.

The HEALTH Act allows for the payment of 100 percent of plaintiffs' economic losses. These unlimited economic damages include all their medical costs, their lost wages, their future lost wages, rehabilitation costs, and any other economic out-of-pocket loss suffered as a result of a health care injury.

The HEALTH Act also does not preempt any State law that otherwise caps damages.

This bill is a commonsense and constitutional approach to reducing the cost of health care.

Whereas, the HEALTH Act allows doctors to freely practice nationwide, the ObamaCare individual mandate dictates that all people buy a particular product, whether they want it or not.

Unlike ObamaCare, the HEALTH Act saves the American taxpayers money. The Congressional Budget Office recently determined that the President's health care law will cost almost double its original $900 billion price tag. Another CBO report estimates that premiums for medical malpractice insurance ultimately would be an average of 25 percent to 30 percent below what they would be under current law. These are just a few reasons why organizations like Americans for Tax Reform support this legislation.

The HEALTH Act also reduces the cost of health care as it decreases the waste in our system caused by defensive medicine. This practice occurs when doctors are forced by the threat of lawsuits to conduct tests and prescribe drugs that are not medically required.

According to a Harvard University study, 40 percent of medical malpractice lawsuits filed in the United States lack evidence of medical error or any actual patient injury. That's 40 percent. Many of these suits amount to legalized extortion of doctors and hospitals. But because there are so many lawsuits, doctors are forced to conduct medical tests simply to avoid a lawsuit

in which lawyers claim not everything possible was done for the patient. This wasteful defensive medicine adds to our health care costs without improving the quality of patient care.

In his 2011 State of the Union address, President Obama said:

> I'm willing to look at other ideas to bring down costs, including one that Republicans suggested last year: medical malpractice reform to rein in frivolous lawsuits.

Let's help the President keep his word and put this legislation on his desk.

Madam Chairwoman, I reserve the balance of my time.

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

Ladies and gentlemen of the House, when we passed the landmark Affordable Care Act, some derisively termed it ''ObamaCare.'' I believe that some day this bill will be famous because it is named after the President.

We were proud to have taken up an important step in realizing a goal that we've been striving for for quite a long time. But today, we're confronted with a leader in the House, himself a medical doctor, who is urging that we take a step backward and roll back our progress.

The measure before us will repeal the Independent Payment Advisory Board, which would save us millions of dollars and pay for itself by pushing through malpractice legislation that undermines State sovereignty and enriches corporations that surely don't need it.

Congress established the advisory board to slow Medicare's growth costs. The Independent Payment Advisory Board does not undermine our role in Medicare policy nor does it cut access to care. Its repeal, however, removes critical oversight and efficiency and paves the way for the majority's plans to replace guaranteed health care for seniors with corporate voucher systems.

How many of us have constituencies that you could go back home and tell your constituents that you're going to replace this health care bill that is praised from one end of the country to the other, that has taken decades to enact, that we're now going to use vouchers for health care?

When we passed President Obama's landmark Affordable Care Act, we were proud to have taken an important step in realizing that ideal.

But today, the Majority takes a step backwards. They seek to roll back our progress. H.R. 5, the so-called ''Help Efficient, Accessible, Low-cost, Timely Healthcare Act,'' will repeal the Independent Payment Advisory Board, IPAB, which saves us millions, and pay for it by pushing through malpractice legislation that undermines State sovereignty and enriches insurance companies.

Congress established the IPAB to slow Medicare's growth costs. The IPAB does not undermine our role in Medicare policy or cut access to care. Its repeal, however, removes critical oversight and efficiency, and paves the way for the Majority's plans to replace guaranteed healthcare for seniors with corporate voucher systems.

Rolling back these cost-cutting measures will cost the Federal Government money, and so to pay for this costly repeal, the Majority has offered up the same tired old medical malpractice proposals they have been pushing for the last two decades. In fact, this is the fourteenth time that the full House will have considered this measure since 1995. It wasn't a good idea 20 years ago, and it isn't a good idea today.

Rather than helping doctors and victims, the bill before us represents a windfall for the health care business. It pads the pockets of insurance companies, HMOs, and the manufacturers and distributors of defective medical products and pharmaceuticals. And it does so at the expense of innocent victims—particularly women, children, the elderly, and the poor.

The malpractice liability provisions before us today would supersede the law in all 50 states to cap non-economic damages, cap and limit punitive damages, limit access to the courts for poorer victims of medical malpractice, shorten the statute of limitations for claims, eliminate protections for children, and eliminate joint and several liability.

We need to cut the charades and get to the heart of the problem.

The malpractice insurance industry is plagued by collusion, price fixing, and other anticompetitive activities. Yet this bill does nothing to respond to this problem.

It is also clear that a legislative solution largely focused on limiting victims rights available under our state tort system will do little other than increase the incidence of medical malpractice—already the sixth leading cause of preventable death in our nation.

Under the proposed caps on damages, Congress would be saying to the American people that we don't care if you lose your ability to bear children, we don't care if you are forced to bear excruciating pain for the remainder of your life, we don't care if you are permanently disfigured or crippled.

The proposed new statute of limitations takes absolutely no account of the fact that many injuries caused by malpractice or faulty drugs take years or even decades to manifest themselves and trace the root cause.

The bill would allow insurance companies teetering on the verge of bankruptcy to delay and then completely avoid future financial obligations. And they would have no obligation to pay interest on amounts they owe their victims.

And guess who else gets a sweetheart deal under this legislation? Drug companies—most of which are foreign. This bill makes drug and device manufacturers immune from punitive damages, so long as the FDA has approved their products or their products are generally considered ''safe,'' no matter how egregious their behavior.

The bottom line is that this legislation doesn't prevent terrible things from happening in hospitals. The bill's takeover of state courts won't help judges throw out frivolous lawsuits, and a ceiling of a quarter of a million dollars won't stop bad actors from looking for a payout.

Instead, this legislation lifts legal and financial risk from hospitals, drug manufacturers, and insurance companies, and drops that burden onto real people, the victims of medical malpractice.

This bill helps the powerful at the expense of the injured, the elderly, and the very young. It raises serious federalism concerns and overturns the law in all 50 states. And it huts real people with real injuries, blocks them from the courts and limits their rights to legal redress, all in the name of a dangerous, unnecessary, and unfair theory about malpractice liability.

I urge my colleagues to reject this anti-patient, anti-victim legislation.

Madam Chair, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Chairwoman, I yield such time as he may consume to the gentleman from California (Mr. LUNGREN), who is the chairman of the House Administration Committee and a senior member of the Judiciary Committee.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

The idea that 15 unelected individuals on the Independent Payment Advisory Board have been empowered by the so-called Patient Protection and Affordable Care Act to ration health care for seniors—and that's for all seniors—is as Orwellian as these titles crafted by the previous Congress to divert attention from what's really being done here.

Delegating such authority to a government board to make such decisions with such a dramatic impact on the health care alternatives available to Medicare recipients raises the most serious ethical concerns about respect for the dignity of our seniors. This is the unfortunate consequence of a world view which favors the notion of bureaucratic expertise and efficiency as a solution to the challenges facing our health care system today. The purpose of providing quality health care to our Nation's seniors is simply incompatible with the idea that the delivery of health care services can be achieved through some sort of algorithm contrived by a panel of experts.

Rather than empowering seniors to play a more active role in their own health care decisions, the IPAB moves in the opposite direction by empowering an unaccountable government panel to make these decisions. In this regard, the inclusion of legislative language to repeal IPAB could not be better placed than with a medical liability reform bill, for IPAB is itself, per se, malpractice.

□ 1850

Now, H.R. 5 contains many important reforms concerning our health care litigation system. These health care reforms are modeled after my own State of California's Medical Injury Compensation Reform Act, better known as MICRA. This important initiative was signed into law over three decades ago by then- and now, again, California Governor Jerry Brown.

I practiced under this law for several years. I practiced under the law that preceded MICRA. I did a good deal of medical malpractice defense in the courtroom. I appeared before juries, before judges. I settled cases. I had the

opportunity to defend doctors and hospitals. About 90 percent of the cases I did were on the defense side, about 10 percent on the plaintiff's side. I believe I had the first successful medical malpractice suit against an HMO in the State of California. I had an opportunity to view the system close up.

And the fact of the matter is, without the MICRA reforms, the California medical system, the health care system would have collapsed. We had doctors leaving the State of California—particularly in specialties such as obstetrics and gynecology, neurosurgery, anesthesiology—moving to other States because the premiums that were required to be paid by our doctors had become so exorbitant that they either had to leave the State or no longer be able to practice medicine.

Information received by our Judiciary Committee from the National Association of State Insurance Commissioners indicates that since 1976, when it was adopted, California's medical professional liability premiums have risen at less than half the pace of the rest of the country. While I would caution that MICRA must not be perceived as a silver bullet, it was, nonetheless, an important step forward taken by our State and a sound model for reform. This is, once again, evidence that as laboratories of democracy, our States more often than not serve as incubators of reform.

At the same time, I do believe that it is important to recognize that the American legal system and our civil justice system, in particular, contains vagaries unique to each of the States which operate within the context of a system of federalism. In this regard, we need to be cautious on the Federal level in making assumptions about the impact of our actions. Even in California, itself, the effort to adopt a Federal medical liability reform statute has raised some questions about possible unintended consequences.

Even though one aspect of the impetus behind H.R. 5 is to bring relief to medical practitioners from the trap of defensive medicine, as suggested by the chairman of our committee—and I do believe that is true—physicians are, unfortunately, expressing some concerns over some of the provisions contained in H.R. 5.

Specifically, the California Medical Association, while they support getting rid of the board as we previously discussed, have expressed some opposition to the fair-share rule contained in section 4(d) of the HEALTH Act. They have expressed that the fair-share rule in H.R. 5 will preempt California's law and put full recovery by injured patients at risk. They inform us, ''As written, the fair share rule will dramatically increase the potential for physicians to face enforcement proceedings against their personal assets. This would force physicians to purchase increased medical professional liability insurance coverage, which will significantly increase liability premiums in California for physicians.''

Secondly, the California Medical Association has expressed ''serious concerns with granting complete immunity from punitive damages to medical produce and device manufacturers, distributors, and suppliers.'' They state, ''We believe this will force plaintiffs to look only to physicians and other providers to seek relief and will significantly increase physician exposure and liability costs.''

So I'm somewhat on the horns of a dilemma here. I do believe that we absolutely, as the physicians of the California Medical Association believe, ought to rid ourselves of the Independent Payment Advisory Board for fear that its implementation will, in fact, interfere with the doctor-patient relationship, interfere with the availability of medical care, interfere with the availability of physicians to seniors and others. But they have expressed some concerns that we have to give other States the benefit of MICRA. And I understand some of their concerns. I think we may be very well able to address that in further language.

Although it is my intention to vote for passage of H.R. 5, my hope is that before it would return to us from the Senate, we would specifically address the concerns raised by the physicians from my State. The necessary repeal of IPAB is an important reform. Some of these others contained in the further section of the health care act warrant support. But I do believe we need to have some changes, and I would look forward to those changes in a conference report or any bill which is returned to the body by the Senate.

I would like to say this, that for someone who practiced law for a number of years in the area of medical malpractice, with doctors and hospitals, and saw what a failure to limit noneconomic damages was doing to the availability of health care—not just the cost of health care, but the availability of health care in my home State—I do believe MICRA is a model that ought to be replicated by other States in the Union.

I do believe that the facts are in. Over 30 years, we've been able to see that it has improved access to health care, improved the number of physicians, particularly in difficult specialties, and it has brought down the overall cost of premiums and, therefore, the cost of medical care in my State.

The idea that somehow medical malpractice premiums have no effect either on the cost of care or the accessibility of care flies in the face of the experience of 30 years in my home State of California.

Mr. CONYERS. Madam Chair, I am pleased now to yield 1 minute to the former Speaker of the House of Representatives, our leader, the gentlewoman from California, NANCY PELOSI.

Ms. PELOSI. I thank the gentleman for yielding. I appreciate his leadership for helping us honor what our Founders put forth in our founding documents, which is life, liberty, and the pursuit of happiness. And that is exactly what the Affordable Care Act helps to guarantee: a healthier life, the liberty to pursue happiness free of the constraints that the lack of health care might provide to a family. If you want to be a photographer, a writer, an artist, a musician, you can do so. If you want to start a business, if you want to change jobs, under the Affordable Care Act, you have that liberty to pursue your happiness.

So that is why I am so pleased that this week we can celebrate the 2-year anniversary of the Affordable Care Act; and I want to mention some of the provisions that are in it but not before mentioning that the legislation on the floor today is a feeble attempt to unravel legislation that makes a big difference in the lives of America's families.

You be the judge: if you are a family with a child with asthma, diabetes, is bipolar, has a preexisting medical condition, up until this bill, your child could be discriminated against for life of ever receiving affordable health insurance and, therefore, care. The full thrust of the law does not take place until 2014; but already, for months now, no child in America can be denied health coverage because of a preexisting condition, and soon all Americans will have that same protection.

For the first time in American history, millions of American women and seniors have access to free preventive health services, services that prevent, that are better early intervention to detect a possible illness in a person.

□ 1900

Eighty-six million Americans have already received key preventive health benefits under the law, and more than 5 million seniors have saved over $3.2 billion in prescription drug expenses. Already, $3.2 billion in prescription drug benefits because of provisions of the law that are already in effect.

So if you're a senior and you're caught in the doughnut hole, or you would have been, you are already benefiting from this law. And that's what the Republicans are trying to take away from you, from your family, from your life, from your liberty, from your pursuit of happiness.

The last point about seniors and prescription drugs is particularly important because it fits in with our consistent commitment from day one as authors of Medicare in the sixties, fits with our consistent commitment to always strengthen Medicare for American seniors, never weaken it. Indeed, as I mentioned, Democrats created Medicare, sustained Medicare, and Democrats will always protect Medicare even from language that is so misleading as to make one wonder.

Republicans, on the other hand, have voted to end Medicare. End the Medicare guarantee. They have said that their goal for Medicare is for it to wither on the vine. And tonight's legislation is a part of the withering on the

vine. It's important for you to know that if you care about Medicare, if you depend on Medicare, this is the wither-on-the-vine scenario.

In fact, just yesterday, the Republicans released their budget, which would end the Medicare guarantee and shift cost to seniors. End the guarantee. What does that mean? Shift cost to seniors—perhaps up to $6,400 for most seniors a year—and, again, let Medicare wither on the vine. That's why today's legislation is such a cynical political ploy. And I know that American seniors will not be fooled by it.

Today brought legislation to repeal what is known as IPAB, the Independent Payment Advisory Board. Independent. Independent of political influence over decisions that are made. This piece of the legislation was a bend-the-curve to reduce the cost of health care in America.

Republicans are desperate to distract seniors from their real record on Medicare, and that's what they're trying to do today. I say that without any fear of contradiction and without any hesitation because nothing less is at stake than the well-being of our seniors, their personal health, and their economic health. And that means their security.

Further, in this bill Republicans have recycled their old medical malpractice liability legislation that undermines states' rights and hurts the rights of injured patients to obtain just compensation.

Because of the impact on American States of what they're trying to do in this bill, the bipartisan National Conference of State Legislatures has strongly opposed this bill. That bipartisan group says that after a careful review it had reached ''the resounding bipartisan conclusion that Federal medical malpractice legislation is unnecessary.''

Again, Madam Speaker, this week we celebrate the 2-year anniversary of the Affordable Care Act for what it embodies. It's about innovation. It's about not just health care in America but a healthier America. It's about prevention and innovation. It's about customized, personalized care. It's about electronic medical records. It's about lowering costs, expanding access, and improving quality.

So much misleading information is put out there about it that it's important to keep repeating the difference, the transformative nature of the legislation. In fact, it has already begun to transform the lives of America's children by saying no longer will they be denied coverage because they have a preexisting medical condition. And soon we can fully say that no longer being a woman is a preexisting medical condition, where women are discriminated against to the tune of a billion dollars a year, and cost of premiums, not to mention exclusion from obtaining coverage.

And so I proudly celebrate the 2-year anniversary, and I emphatically oppose the legislation on the floor. If you want to unravel Medicare, vote ''aye.'' If you want to support Medicare, if you think health care is a right for the many, not just a privilege for the few, vote ''no.''

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

Mr. Chairman, most Americans still oppose ObamaCare yet support medical liability reform of the kind that we are considering tonight. A recent survey found that 83 percent of Americans believe that reforming the legal system needs to be part of any health care reform plan.

As the Associated Press recently reported, most Americans want Congress to deal with malpractice lawsuits driving up the cost of medical care, says an Associated Press poll. Yet Democrats are reluctant to press forward on an issue that would upset a valuable political constituency—trial lawyers—even if President Barack Obama says he's open to changes.

The AP poll found that support for limits on malpractice lawsuits cuts across political lines, with 58 percent of independents and 61 percent of Republicans in favor. Democrats were more divided. But still, 47 percent said they favor making it harder to sue while 37 percent are opposed. The survey was conducted by Stanford University with the nonprofit Robert Wood Johnson Foundation. In the poll, 59 percent said they thought at least half the tests doctors order are unnecessary—ordered only because of fear of lawsuits.

In a poll done by the Health Coalition on Liability and Access in October, 2009, 69 percent of Americans said they wanted medical liability reform included in health care reform legislation. Seventy-two percent said their access to quality medical care is at risk because lawsuit abuse forces good doctors out of the practice of medicine.

Mr. Chairman, let's support a bill that is so strongly endorsed by the American people.

I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I am pleased to yield such time as he may consume to a member of the House Judiciary Committee, JERROLD NADLER, who has worked on this subject matter for quite a long time.

Mr. NADLER. I thank the gentleman for yielding, and I rise in opposition to this deeply flawed and deceptively named legislation.

Contrary to the bill's title, this bill will not promote access to better health care nor will it make health care more affordable. If the wishes of many of the proponents of this legislation come true and the Affordable Care Act is repealed and Medicare and Medicaid as we know them are curtailed or eliminated, then decent, affordable health care will remain out of reach for millions of Americans, including many who now have access to health care services.

I urge all Members to keep one fact in mind as we debate the medical malpractice aspects of this bill. These provisions would apply only to people who had meritorious claims of malpractice against them. You don't have to limit people's recoveries or attorneys fees for people without meritorious claims. So whatever we're doing here today will be done only to those who have been injured, whose injuries have been inflicted by someone else's wrongdoing, and who need and should be entitled to compensation.

The argument we hear, which is not a new one, is that if we allow the players in the health care industry, including Big Pharma, the manufacturers of defective medical devices, and even big insurance companies and HMOs that routinely pay for health care services, to escape the consequences of the harm they inflict, then somehow we'll all be better off.

□ 1910

This is not true, has never been true, and, despite the extravagant claims of the proponents of this bill and the industries lobbying for it, that will not be true if this multibillion dollar gift to bad actors in the health care industry were to become law.

Just how pricey a gift to industry are we talking about here? According to the Congressional Budget Office, $45.5 billion over the next decade. Now, anyone who believes that those savings will be passed along directly to consumers, health care providers, and victims of medical malpractice is living in a dream world. Some of us will remember the debates we had in this House for the 8 years preceding enactment of the 2005 Bankruptcy Code rewrite. We will no doubt remember the argument that abuse of the bankruptcy system was a hidden tax of $400 a year for every American and that tightening the rules would be of interest to all consumers. Well, we passed that huge giveaway to the big banks. Consumers have not seen a nickel of that $400. The banks pocketed all the money. If you think that this bill will lower costs for consumers, that the big insurance companies will not simply pocket the money, there's a famous bridge in my district that I might be willing to sell to you.

So keep in mind just who will be bearing the burden of this legislation: people who are subject to limitations on damages and on their ability to obtain competent counsel—something not imposed on insurance companies, drug companies, or HMOs. That may be good for the insurance companies, for the manufacturers of defective drugs and medical devices and all the other wrongdoers walking these Halls with open checkbooks, but it will come at the expense of their victims.

Nowhere does CBO, or their sponsors, explain why their belief that insurance companies, Big Pharma and medical device manufacturers will pass any savings along, nor do they account for the cost of the care needed by people who have been injured and who will be unable to receive adequate compensation.

This bill is not limited to suits against individual health care service providers, doctors and other licensed health care professionals. It would provide protection against malpractice claims for large corporations, insurance companies, health maintenance organizations, and pharmaceutical giants when they deal in defective products or when someone else's health is destroyed because an insurance company refused to pay for necessary care.

Mr. Chairman, we heard the gentleman from California refer to the California legislation that is the model for this legislation passed in 1976, 36 years ago. That legislation enacted a limit and said for noneconomic damages you can only get a recovery of $250,000 because you lost a leg when they removed the wrong leg. They felt in 1976 that $250,000 was an appropriate amount to limit it to. In today's dollars, that's $38,000.

But there's no inflator in that legislation, and there's no inflator in this legislation. That $250,000 in 1976 today is $1.4 million. So if we were modeling this on that, we should say the limit is $1.4 million, but we're not doing that. We're saying 250, and we're not putting an inflation adjustment in here, so it will be $250,000 this year, and 5 years from now it will be the equivalent of $100,000, and 10 years from now $35,000 and eventually zero.

I submit that it is very wrong. It may be that if malpractice causes a woman to lose her fertility, causes her to lose the ability to bear children, the medical costs to her may be minor, the lost wages, the economic damages may be minor. But the inability to bear a child should be limited to $250,000 and eventually to almost nothing because there's no inflation in this? If someone is put in a wheelchair for life, the pain and suffering is worth almost nothing? That's what is wrong with this legislation, and that's what's immoral about this legislation. That's why we ought to vote against this legislation.

Mr. SMITH of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. JOHNSON).

Mr. JOHNSON of Illinois. Mr. Chairman and Members of the House, first of all, let me thank the chairman for his willingness to allow me to speak on an issue on which we do not agree. I appreciate the courtesy; I appreciate the lively debate that has preceded me in, I think, probably a far more articulate way than I'm going to be able to articulate. But let me just, Mr. Chairman and Members of the House, address this in a bigger sense and then maybe in a specific sense from the standpoint of a Republican Member of the United States Congress.

To begin with, I believe that this addition is largely unrelated and almost entirely disconnected from the underlying bill. I believe it demonstrates some concern—or I believe it reveals some lack of concern—for sensitivity, and I think in a lot of ways reveals the duplicitousness that I think is inherent in a discussion of this issue. I think it is statist and antithetical to our beliefs, at least my beliefs and I think most of the Members' on this side of the aisle, with respect to what America is all about.

I look at this from the standpoint of a Republican Member in a Republican Party who has been a forerunner and who has dealt with the issue of states' rights and, quite frankly, has attacked this health care bill—and the Attorneys General—on a states' rights and interstate commerce basis. It is a classic example, Mr. Chairman and Members of the House, of what has historically been an area for states' rights. Whether it's the criminal justice or domestic law or civil justice, our Founding Fathers set in place a Federal level and a State level of government, and this strikes at the core of states' rights.

In addition to that, Mr. Chairman and Members of the House, separation of powers. We have been critical—and I think legitimately—from this side of the aisle with respect to HHS waivers that have been granted. We've been critical of the EPA and the U.S. DOT and so forth for their administration and their promulgation of rules without legislative authorization. And yet this entirely desecrates, in some ways, our whole judicial function, our whole judicial function regarding liability and damages. It is an intrusion into the judicial arena, which is something that is sacrosanct, and I think that's essential to our viewpoint of what the Constitution is all about.

It also strikes at the core of our free market system. I have been involved from a number of standpoints in the law practice; and I see a system that, in an overwhelming number of cases, works to effect justice. Two attorneys or more, witnesses, jurors, a judge, and the common law of 200 or 250 years almost inevitably results in just results. And now we have a situation, despite that commitment to free market that we have, where we're now proposing that the Federal Government dictate an imprimatur to override this whole system that's already in place and I think infringes on our constitutional right to a trial by jury.

It also strikes, I think, Mr. Chairman and Members of the House, what we Republicans say we believe in in terms of individual worth. One of our attacks, quite frankly, on the passage of this bill, which I largely subscribe to the attacks, is one that deals with the deep personalization of the individual inherent in President Obama's health care approach. This bill is a collectivist attack on personal realities and is a disregard for age, circumstances, State or community of residence; and I think that addresses in a very serious way the concept that we have constitutional worth of the individual.

In conclusion, this bill has essentially nothing to do with revenue production. We all know that. It obfuscates the underlying purpose of the bill, which is, quite frankly, to dismantle the inherent bureaucracy in the health care bill, which I largely subscribe to. It injects politics into a legitimate debate on a substantive public policy and prevents Republican and Democrat Members from an up-or-down vote and strikes, I think, at our fundamental beliefs of states' rights, of individualism and on constitutional premise.

In summary, I believe that a ''no'' vote is a vote to preserve individual dignity. Our ''no'' vote is one to maintain constitutional values, and it is to safeguard states' rights and the separation of powers. I know this is well intended, but this is not the vehicle to do it in. The vehicle is Austin, Texas, or Albany, New York, or Springfield, Illinois. I have some serious concerns about State legislation that would also interfere with separation of powers, but this is not the arena to do it in; it is not the bill to do it in; and I think, quite frankly, it is one that, unfortunately for me, strikes at the core of why I'm here. I'm not here to dismantle our common law system; I'm not here to dismantle the free market system; and I'm not here to dismantle states' rights. I'm here to stand up for what I think the American people sent us here for.

I don't think the health care bill was well considered. I think it should be substantially addressed in terms of this and other legislation. But this bill doesn't do it, ladies and gentlemen; and I, with all due respect, ask my colleagues on both sides of the aisle to join with me in a ''no'' vote on what I think may be a well intended, but certainly misdirected, effort. And I join with my colleagues over here and some over here in urging a ''no'' vote.

Mr. CONYERS. Mr. Chairman, I ask if the distinguished gentleman from Illinois (Mr. JOHNSON) would like additional time. If he requires any, I would be glad to arrange to yield him further time.

If you require more time, I would be delighted to yield it to you.

Mr. JOHNSON of Illinois. You are very kind to do that, Mr. CONYERS.

□ 1920

I think I probably pretty well addressed it. I think between myself and my inarticulate comments and your opposition and some opposition over here, I think the debate has been very good and good for the process. And this is one I'm with you on, sir.

Mr. CONYERS. I thank you, Mr. JOHNSON.

Mr. Chairman, I am pleased now to yield 4 minutes to the Judiciary Committee member from Florida (Mr. DEUTCH), who has worked very carefully with us on this subject matter.

Mr. DEUTCH. Mr. Chairman, it's no surprise that I am disappointed with the content of this bill before us today. I join with my colleagues who have expressed their disappointment, but I'm also disappointed with the process behind it.

Yesterday, for a totally bogus reason, the Rules Committee declared an amendment I offered out of order. They claimed it would add to the cost of the bill despite having no numbers. The amendment did not create some new regulation. It did not create new judicial proceedings. It did not set aside money for a new program.

Let me tell you what it did do, Mr. Chairman. It would have made a terrible bill slightly better. It's simple.

My amendment ensured that doctors who intentionally—not accidentally, but intentionally—harm their patients are not exempt from medical malpractice liability. If this Congress wishes to tell a child made blind by the negligence of his doctor that those in this Chamber know better than a jury, if my colleagues wish to pretend that the Seventh Amendment of the United States Constitution, guaranteeing a trial by jury, was somehow omitted from the Bill of Rights, I disagree, but so be it. The very least we can do is ensure that if a doctor intentionally abuses his patients that he will not evade justice.

Surely, the sponsors of this bill did not intend to extend liability caps to a pediatrician who sexually abused a child or a dentist who raped his patients under sedation. I'm disgusted to say that those are both real examples of the kind of abhorrent behavior H.R. 5 may mistakenly immunize without clarification.

Is it too much to ask that we simply think this through? Can someone explain to me how this amendment costs a penny? Better yet, will someone explain to the 103 children who were molested by a Delaware pediatrician that Washington wants to make it easier for sexual predators to evade justice?

My friends, differentiating between medical errors and intentional harm is not some wild and crazy new idea being pedaled by the left. Many States—blue States, red States, and in between—limit malpractice awards but make distinctions for intentional torts.

The majority could have considered my small change and protected the commonsense State laws that are already on the books. Instead, under the 112th Congress, relentless partisanship has poisoned this well and impeded our ability to write good laws. Perhaps, Mr. Chairman, perhaps the reason Americans are so disenchanted with Congress is because they know that it doesn't have to be this way.

I urge my colleagues to vote ''no'' on this legislation.

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

Mr. Chairman, lawsuit abuse drives doctors out of their practices. There's a well-documented record of doctors leaving the practice of medicine and of hospitals shutting down, particularly practices that have high liability exposure. This problem has been particularly acute in the fields of OB/GYN and trauma care as well as in rural areas.

The absence of doctors in vital practice areas is, at best, an inconvenience; at worst, it can have deadly consequences. Hundreds or even thousands of patients may die annually due to a lack of doctors.

According to one State study, 38 percent of physicians have reduced the number of higher-risk procedures they provide, and 28 percent have reduced the number of higher-risk patients they serve, all out of fear of liability.

The American College of Obstetricians and Gynecologists has concluded that:

> The current legal environment continues to deprive women of all ages, especially pregnant women, of their most educated and experienced women's health care providers.

A study from Northwestern University School of Medicine polled residents and found that many wished to leave the State to avoid its hostile malpractice environment. The study concluded that:

> Approximately one-half of graduating Illinois residents and fellows are leaving the State to practice. The medical malpractice liability environment is a major consideration for those that plan to leave Illinois to practice.

Without a uniform law to control health care costs, many States will continue to suffer under doctor shortages.

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

Mr. CONYERS. Mr. Chairman, I am pleased now to yield as much time as he may consume to the distinguished gentleman from Georgia (Mr. JOHNSON), a member of the House Judiciary Committee.

Mr. JOHNSON of Georgia. Today, Mr. Chairman, I rise in opposition to this harmful bill, H.R. 5, the so-called Protecting Access to Healthcare Act.

Now, this bill is premised upon what I would call a story, because that's what my mamma used to tell me. My mamma and my grandmamma, as I was growing up, used to say that's wrong to say that someone is lying. Don't say that. You say that they're telling a story. So I grew up plagued with the guilt that comes from calling somebody a liar. I still have that sense of shame associated with that word ''liar.''

I'm not here to accuse anybody of lying, but I will say that H.R. 5, the so-called Protecting Access to Healthcare Act, is a story, is premised on the story that runaway frivolous lawsuits, medical malpractice lawsuits are a major cause of driving the cost of medical care through the roof. That's not true.

This bill restricts a patient's ability to recover compensation for damages caused by medical negligence, defective products, and irresponsible insurance companies. It also sets a cap of $250,000 for noneconomic compensatory damages which are awarded to victims for emotional pain and suffering, physical impairment and disfigurement.

I'm so sorry to have not had this photograph blown up. It's a photo of Caroline Palmer of Marietta, Georgia. Ms. Palmer was in an automobile accident back on March 23, 2007. She sustained two broken legs, a broken shoulder, abrasions on her arms, and a collapsed lung. While she was at the hospital, recuperating, they noticed that her left hand was swollen, dusky blue, and cool to the touch. But after so noting on her medical record, the doctor left work that day, and no further action was taken about that. That was a clear sign that blood was not flowing to that limb and that something was wrong.

□ 1930

Nothing was done. No followup. The next day they found that the IV line had been misplaced in her arm, and they referred her in for some treatments to try to reinvigorate the circulation in that arm, and there was nothing they could do.

They tried everything. They even subjected Caroline to a procedure on both arms to relieve the pressure and treat the loss of circulation by producing a large gaping hole in both arms, and that procedure failed. Whereupon, she then was subjected to the cutting off of her left arm and the cutting off of her right arm.

Now, we've talked a lot about, well, how much is a leg worth? How much is a leg worth when you lose a leg? Well, how much are two legs worth? How much are two arms worth?

This picture shows Caroline Palmer in this horrendous state; and under this amendment, under this bill, H.R. 5, this woman, this victim, would be limited to $250,000 for her pain and suffering and disfigurement, and that's not right.

How do you put a cap on someone's pain and suffering? How heartless is it to cap noneconomic damages when one has lost a limb? becomes blind?

How much is vision worth? How much is the ability to see? How much is that worth? $250,000, under this legislation.

If you become paralyzed at the hands of a negligent health care provider, can no longer walk, how much is that worth? $250,000.

These caps hurt the most vulnerable among us: children, senior citizens, and working poor. They can't even recover for economic losses such as lost wages. They may not be working. A child doesn't work. A child left with no arms is limited in noneconomic damages to $250,000. He's got to roll with that for the rest of his life—$250,000. It's not right.

Medical malpractice is about real people with real injuries. The Institute of Medicine estimates that 98,000 people die each year in the United States from preventable medical errors. Tort reform proposals, such as H.R. 5, fail to address the deaths and injuries associated with preventable medical errors every year.

Now, this, H.R. 5, is an unholy alliance between two stories: the one story which I just outlined to you and the

other story being the repeal of the 15-person Independent Payment Advisory Board, also known as IPAB, which was created under RomneyCare. Oops, I mean ObamaCare. Oops, I mean, the Affordable Care Act.

Now, while I do believe that there are some good reasons to be opposed to the IPAB and to vote to abolish it—I believe there are some good reasons for that—the rationing of medical care is not one of them. Anyone who says that this IPAB board has the power to cut the benefits paid to Medicare recipients has either not read the bill or is telling you a story.

Just for the record, I want to read 42 U.S.C. section G, 1395kkk. I'm not going to comment on the kkk right now, but that's the subsection of the subsection of 42 U.S.C. where the law that was passed, RomneyCare—I mean ObamaCare, I mean Affordable Health Care Act—is stated, the law, 42 U.S.C., and it says:

> The proposal shall not include any recommendation to ration health care, raise revenues or Medicare beneficiary premiums under section 1818, 1818A, or 1839, increase Medicare beneficiary cost-sharing (including deductibles, coinsurance, and copayments), or otherwise restrict benefits or modify eligibility criteria.

That is what ObamaCare, RomneyCare—I mean the Affordable Health Care Act—provides for. That's the law. Anybody who tells you otherwise is telling you a story.

Going back to the first story, I really oppose it for the reasons that I've previously stated. This bill is another example of the Republican majority bringing a partisan bill to the House floor that has virtually no chance of becoming a law. H.R. 5 does not create any jobs or grow the economy. It's a slap in the face, also, of states' rights—something we've heard—that the other side has depended on for a long time, states' rights, the 10th Amendment.

H.R. 5, ladies and gentlemen, denies States their right to have their own tort laws. The State of Georgia, for instance, in its constitution, says that all citizens are entitled to a jury trial. The legislature imposed a $350,000 cap on noneconomic damages in medical malpractice and other cases. The case went up to the Georgia Supreme Court, which ruled that to limit noneconomic damages deprives one of their constitutional right to a jury trial. This bill, H.R. 5, would do away with what the Georgia Supreme Court has ruled insofar as Georgia law is concerned. It's a gross overstepping of Federal legislation into the affairs of the State, and I oppose it.

I understand that there was a meeting yesterday, a specially called meeting that Majority Leader ERIC CANTOR called of the Tea Party Republican Caucus to kind of tighten some screws and twist some arms to get the caucus to go along with H.R. 5 so that no one would get embarrassed. Now, we've yet to see what will happen, but I believe that all of the Tea Party Republicans will fall into line and vote in favor of H.R. 5, which has absolutely no chance of passing once it goes to the other body.

□ 1940

I want to thank the ranking member of the Judiciary Committee, JOHN CONYERS, for giving me this time.

Mr. SMITH of Texas. Mr. Chairman, I am pleased to yield such time as he may require to the gentleman from Georgia, Dr. GINGREY, who happens to be the sponsor of the legislation we're considering tonight, the HEALTH Act.

Mr. GINGREY of Georgia. Mr. Chairman, I thank the chairman of the Judiciary Committee for yielding to me and the opportunity to follow directly my colleague from Georgia on the other side of the aisle.

A number of things were said. I feel grateful to have the opportunity to address those.

One of the comments that the gentleman made, the gentleman is my good friend, and he would agree with that. But in regard to this emergency caucus meeting with the Tea Party Caucus on the Republican side with our majority leader, ERIC CANTOR, I am an original member of the Tea Party Caucus in the House of Representatives. If there had been any emergency-called meeting, Mr. Chairman, I can assure you that I would have been right there with MICHELE BACHMANN and STEVE KING and others, the 20 of us that were original members of the House GOP Tea Party Caucus. There was no such meeting.

Let me refute that statement, although I greatly respect my friend from Georgia, from DeKalb.

Mr. JOHNSON of Georgia. Will the gentleman yield?

Mr. GINGREY of Georgia. I will be glad to yield to my friend.

Mr. JOHNSON of Georgia. I certainly don't want to misstate what actually happened, and I think I said that it's my understanding that that meeting was held. That's the information that I received.

Mr. GINGREY of Georgia. Reclaiming my time, and he did say that. He said it was his understanding. He didn't say it was a matter of fact. I appreciate that comment.

But another thing, Mr. Chairman, that I want to address, he named names. I think the lady's name was Ms. Palmer of Marietta, Georgia. I live in Marietta, Georgia, and have for the last 36 years. I represent Marietta, Georgia, in the 11th Congressional District and have for the last 9½ years.

The description of this unfortunate soul's injuries and the things that happened to her, the broken bones, the collapsed lung, the lack of blood flow to the extremities because of an improper placement of an intravenous line, maybe instead of in a vein in an artery, that resulted in amputations of her upper extremities. When the general public hears stuff like that, Mr. Chairman, they're horrified.

To think that we on this side of the aisle with H.R. 5, the HEALTH Act, which is part of the PATH Act that we are discussing on the floor today, to suggest that a person that suffers like that could only recover $250,000 in noncompensatory pain and suffering is absolutely untrue.

The gentleman, my friend from DeKalb, is an attorney. He knows the legal system. He's been in the courtroom. I'm not sure whether he's tried on the side of the plaintiff or the defense in regard to medical malpractice cases, but he clearly knows the difference in noneconomic pain and suffering in regard to this particular bill, and, on the other hand, recovery for severe losses, medical compensation, loss of wages, loss of extremities, what this poor soul suffered.

Let me just read, Mr. Chairman, this comment: Nothing in the HEALTH Act denies injured plaintiffs the ability to obtain adequate redress, including compensation for 100 percent of their economic loss. Essentially, anything to which a receipt can be attached. Believe me, the plaintiff's attorney will attach every receipt, including the medical costs, the cost of pain relief medication, their loss of wages, their future lost wages, rehabilitation costs, and any other economic out-of-pocket loss suffered as a result of a health care injury.

Economic damages include anything whose value can be quantified, including lost wages, home services, au pair, companion to go shopping, medical costs, rehabilitation of a home, access for someone who has an incapacity, an inability to access a normal home.

So, the gentleman, just like the gentleman from Iowa, the plaintiff's attorney that spoke on the floor earlier in regard to misleading statements, to suggest that in this legislation we would take away the ability of a person like Ms. Palmer of Marietta, Georgia, for a full and complete redress of grievances if a medical practitioner or a facility has performed below the standard of care for that local community—my colleague, the chairman of the Judiciary Committee, the distinguished chairman, gave me some statistics in regard to some of the economic losses that people have incurred and judgments that have been awarded by a jury of their peers.

Listen to this, Mr. Chairman. In August of 2010, Contra Costa County, a judgment for $5,500,000. These are California cases, by the way, Mr. Chairman. It's California law that H.R. 5 is based on. MICRA passed back in 1975.

But these are cases in 2010. This one in February 2010, Riverside County, $16,500,000; November, 2009, Los Angeles County, $5 million; October, 2009, Sacramento County, $5,750,000. I will go down to the last one, although there are several others on the list. July, 2007, Los Angeles County, an award of $96,400,000. This, Mr. Chairman, is in 2007. MICRA was passed in 1975.

This case in 2007, this plaintiff may have been awarded $250,000 noneconomic because there was a cap. But the cap is there not to deny them their day in court, their ability to be judged by a jury of their peers and a decision made in regard to just compensation.

There are 21 members of the House GOP Doctors Caucus. It includes 16 physicians, a psychologist, several dentists, several registered nurses. I'll guarantee you, Mr. Chairman, in every one of these cases I mentioned coming out of California, we would be sitting there fighting for those plaintiffs. Maybe even a witness for the plaintiff, for Mrs. Palmer, to say the sky is the limit, and, Mr. Plaintiff's Attorney, you tack on every economic cost that you can dream up, and we'll vote in favor of it.

But what we are opposed to, Mr. Chairman, is this opportunity for people to come in to court and clog up the court system and crowd out Mrs. Palmer and maybe many of these cases from California with frivolous lawsuits where there is no justification for the claim, where people are just hoping with a lottery mentality that some sympathetic jury will just simply say, Oh, gosh, we know there's no damage here. But after all, the doctor has $10 million worth of insurance. It's not coming out of his pocket. Let's award the plaintiff $6 million or $8 million worth of noneconomic pain and suffering—if you want to call it that—in damages.

□ 1950

That's the thing that's got to stop. That's what's causing the price of health care to rise astronomically. That's why doctors are ordering all of these unnecessary tests and practicing defensive medicine. Every time a patient comes to the emergency room with a headache, even though the doctor is skilled in physical diagnosis, in taking a history, and can examine that patient and look in their eyes, making sure there is no bulge of the pupils or the optic discs, they know that patient has a tension headache. They know it's perfectly safe to send him or her home with a prescription to return in 24 hours. But, no, because of these frivolous lawsuits, they're going to order a CAT scan that costs $1,500. You multiple that time and time and time again, that's what this is all about. That's the problem we're trying to solve.

For my friend from DeKalb—and he is my great friend—or my friend from Iowa or, indeed, the former Speaker, the minority leader, Ms. PELOSI, to come to the floor and very eloquently—and she is eloquent and speaks with a lot of passion, great ability, a great communicator—but to mislead is downright wrong.

The truth needs no adjectives, Mr. Chairman. The truth is what is in the PATH Act, H.R. 5. And I say to my colleagues: We need to pass this and do this in a bipartisan way and not worry here about what's going to happen in the Senate. Let's do the right thing in the House of Representatives, and let's do the people's work.

Mr. CONYERS. Mr. Chairman, I yield myself 1 minute to ask my friend and distinguished medical practicer and Member of Congress, Mr. GINGREY, is he aware that his bill, H.R. 5, eliminates joint and several liability for both economic and noneconomic damages?

I yield to the gentleman for that purpose.

Mr. GINGREY of Georgia. I thank the gentleman for yielding. This is his time, and I appreciate him yielding. It gives me an opportunity to explain in regard to joint and several liability.

Mr. Chairman, it's important for our colleagues on the House floor and anyone within shouting distance to understand what we're talking about in regard to joint and several liability.

Under current law, anyone who is named as a defendant in a medical malpractice suit is liable for whatever judgment is rendered. It matters not how much they participate in the case.

Let me give my good friend from Michigan, the ranking member of the Judiciary Committee, an example. Of course he knows this. Let's say it's an OB/GYN case and the surgeon who has done a hysterectomy on Friday is going to church on Sunday morning and asks his colleague to stop by and see the patient and to tell her that he'll be around that afternoon to check on her. The doctor says, sure, I'll be glad to.

He peeks his head in the door and Mrs. Jones said, I'm fine.

Okay. Your doctor will be around this afternoon to check on you.

Things go to heck in a hand basket. The operating physician maybe has practiced below the standard of care. But that doctor that covered, that peeked in the door, that really had nothing to do with the case, surely, as Mr. CONYERS knows, will be named in the lawsuit. And if he or she happens to have the deepest pockets under the current law, they could be liable for the entire judgment; whereas the doctor who practiced below the standard of care, who has a shallow pocket, would get off scot-free.

I yield back to my friend, and I thank you for the opportunity.

The Acting CHAIR (Mr. NUGENT). The time of the gentleman from Michigan has expired.

Mr. CONYERS. I yield myself an additional minute, and I thank Dr. GINGREY for his response.

I ask the author of this bill, H.R. 5, if the answer to my question of whether H.R. 5 eliminates joint and several liability for both economic and noneconomic damages is ''yes''?

Mr. GINGREY of Georgia. The answer is ''yes.''

Mr. CONYERS. I thank the gentleman very much.

Mr. Chairman, I am now pleased to yield as much time as she may consume to the gentlewoman from Houston, Texas, Ms. SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. Let me thank the ranking member and also the chairman of the Judiciary Committee and the leadership for giving us the opportunity to celebrate, as we debate H.R. 5, the Affordable Care Act, which is 2 years in the making.

Clearly, it speaks to where we are today. So in celebration of the Affordable Care Act, let me first of all wish it a happy anniversary.

Before I start on the Affordable Care Act, let me indicate to my good friend from Georgia and the Physicians Caucus that many of us do not take a back seat to our support for physicians. How can I help myself, coming from a community where the Texas Medical Center is fighting for a permanent doctor fix, which we've not been able to secure from this Congress, and as well, being a champion of physician-owned hospitals. Because I do believe that physicians have a high level, an acuteness of their concern for their patient. Maybe it is also because in the last decade I've had to tend to ailing parents, both of whom I lost, and have seen doctors up close and personal dealing with one of the most difficult times in any child's life.

This is not about a fight of one side or another regarding doctors, and my constituents have been kind enough to give me time here to have gone through these debates over and over again. Let me just say very quickly: I am glad the Affordable Care Act is in place, because what we're celebrating today, as we talk about H.R. 5, is that women will not be dropped from insurance when they get sick or pregnant; insurance companies will not require women to obtain preauthorization for referral for access to an OB/GYN; millions of older women with chronic conditions will not be banned from care; 279,000 constituents in the 18th Congressional District will have improved employee health care; 187,000 uninsured in the 18th Congressional District will now have access to health care; and my hospitals, my public hospitals, my Texas Children's Hospital, St. Luke's, Methodist, Ben Taub, M.D. Anderson will be able to secure compensation in uncompensated care. I celebrate the Affordable Care Act.

But today we're discussing legislation that has already received a veto notice from the President, but we're here on the floor of the House discussing H.R. 5 and ignoring the fact that the Affordable Care Act has already confirmed health care is vital to America, and we in the Congress must protect it.

By the way, the Affordable Care Act is a preserver of Medicare and strengthens Medicare.

□ 2000

But let me tell you what we are facing with this legislation that is anchored with the component dealing with medical malpractice. We have

seen documentation across States that, in fact, medical malpractice is an insurance issue. And even when there is an attempt to, in essence, dumb down the recovery, we have seen that the insurance companies do not, in essence, reward the physicians. Insurance premiums are still high, high, high, high, high. How do I know? You can go to the State of Texas and ask physicians are their insurance premiums such that they're celebrating today. Yes, there were some measured declines, but they are paying high insurance premiums.

Now, in the findings of H.R. 5, our friends cite the Commerce Clause and indicate that Congress has a right to write this bill on health care because of the Commerce Clause. As I understand it, many are pursuing the challenge of the Affordable Care Act, suggesting we had no authority. But in their own bill, the findings cite interstate commerce as the basis of writing this bill. But there are some friends over there that just caught it, and one of the amendments from another gentleman from Georgia strikes the findings. This is a case of ''have your cake and eat it too'' because they know that tort law has, for a long time, been the prerogative of States.

So to cite President Reagan when he gave this seminal talk on tort law in 1986, his words:

> So over the years, tort law has helped us drive the negligent out of the marketplace. This, in turn, has permitted legitimate economic innovation to take its course and raise living standards throughout the Nation.

So the President agrees that tort law drives the negligent out of the arena. He then goes on to say, as he put together this task force:

> To be sure, much tort law would remain to be reformed by the 50 States, not the Federal Government. And in our Federal system of government, this is only right.

So my friends cannot deny that H.R. 5 implodes State law. It takes away the authority of States. And removing it by some late amendment is not going to make it right. You are going to violate the rights of Colorado, Florida, Illinois, Maryland, Michigan, Texas, and West Virginia that have enacted their own medical malpractice damage caps. You are going to implode the rights of Connecticut, Iowa, New York, Oregon, and Tennessee that have expressly chosen not to limit. And in this bill, if you have not limited it, then you are capped. In this bill, you rid the rights of those States that have not capped, and the flexibility only comes if you have capped and it is higher than what we have, and you obliterate constitutional State law that has its own caps.

So this is not as black-and-white as my good friends would like to make it. We are riding in on the high horse, and we are not?

For example, in my State of Texas, on May 29, 2010, Connie Spears went to a hospital reporting excruciating leg pain. This was all too familiar due to her previous blood clots. The emergency room doctor ran tests and discharged her with a bilateral leg pain. But what really happened is that she had blood clots around a vein filter. She got kidney failure. She went unconscious. To save her life, two legs were amputated. There was definitive negligence. And it is important to note that she sits today with no legs.

What we are suggesting is that we are now intruding into State law, that this individual now, under Federal law, loses noneconomic damages for pain and suffering and the extent of the negligence that was promoted and, as well, faces a Federal hard hat to prevent her from having relief. Now, this is in the State of Texas, and we have tort law reform that many oppose, but it is a State decision.

I offered an amendment that would have carved out an exemption for health care lawsuits for serious and irreversible injury, supported by two of my colleagues, Congressman HANK JOHNSON and Mr. QUIGLEY. It exempted victims of malpractice that resulted in irreversible injury, including loss of limbs and loss of reproductive ability, from the $250,000 cap. This was not accepted.

What we say today is people like Connie Spears, children, seniors who are limited in their noneconomic damages, now have no basis for punishing those who were blatant in their negligence, no way of dealing in a punitive manner to prevent these kinds of acts from happening and recognizing the loss of limbs of someone who may have been unemployed.

My friends cannot have it both ways, that is, challenging the Affordable Care Act because they say that interstate commerce does not allow us to do good, but yet coming back in their findings to suggest they have the upper hand.

Well, I'm going to join my friend on the other side of the aisle, Mr. JOHNSON, on states' rights. Today, on H.R. 5, you literally quash and extinguish states' rights; and in the course of doing so, you quash the rights of injured patients, for those that Ronald Reagan said to get negligence out of the marketplace, out of the way of those who need care so that the good can rise up.

So I would make the argument that we're now debating in a conflicted manner. I don't know what the positions of Republicans are. They want to get rid of the Affordable Care Act, which was premised on interstate commerce, the authority of Congress. They come right back at our 2-year anniversary, celebrating people who are living because of the Affordable Care Act, and now want to place their hat on doing this on interstate commerce. I want to know where all the states' rights advocates are and why you are abolishing and eliminating constitutional State law, why you are eliminating statutory law where individual States have expressed their will.

I believe this bill, along with the component that wants to dash the Affordable Care Act, is a bill destined for the President's veto. But more importantly, let me try to understand how we can have our good friends on the other side of the aisle have their cake and eat it too.

I'm celebrating with the celebratory cake of the Affordable Care Act. I don't mind celebrating this Congress' right to help save lives.

How do you put a bill on the floor of the House where you have argued that there is no right for us to be involved in health care, and now you want to dash the rights of those who have been injured through interstate commerce and the Congress of the United States of America? Frankly, the complexity of your argument is such that it makes no sense; and, frankly, I hope that my colleagues will join me and applaud the Affordable Care Act, celebrate the expanded life that we have provided, and also recognize that those individuals who seek remedy in the marketplace, who have been injured by negligence and acts that have been dastardly, are compensated in a fair and just manner. That is all we ask under the Constitution: due process and the rights of all Americans.

Mr. SMITH of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Mr. Chairman, I appreciate Chairman SMITH yielding to me. And, of course, with great hesitation do I rise, because the gentlewoman who just spoke was recently rated one of the most eloquent, if not the most eloquent, Members of this body.

But even though she is eloquent, with all due respect, I think she is wrong. And with regard to the issue of the Commerce Clause and the issue of the Affordable Care Act, PPACA, and as is sometimes referred to, and not really pejoratively—if successful, it will be his legacy—ObamaCare.

□ 2010

This bill, Mr. Chairman, was created by forcing individuals to engage in commerce; that is, to purchase health insurance, under the penalty or a tax—I'm not sure from day to day how they're going to describe it, but without question that's not constitutional. And I expect maybe it will be a 5–4 decision in June of the Supreme Court, but maybe 9–0, because that is clearly unconstitutional. It is not applicable under the Commerce Clause to force people to engage in commerce. The Constitution says to regulate interstate commerce.

Of course, that is very much applicable in H.R. 5, in the Medical Liability Reform Act. Because when you have a situation in health care where there is no provision for certain medical specialties in a high-risk area like neurosurgery, obstetrics and gynecology, cardiovascular surgery, where babies have to be delivered beside the road.

The Acting CHAIR. The time of the gentleman has expired.

Mr. SMITH of Texas. I yield the gentleman 2 additional minutes.

Mr. GINGREY of Georgia. I thank the gentleman for yielding.

But clearly the gentlelady from Texas—and I think she knows this. Texas has enacted tort reform. They have caps that are different in fact than originally existed in California 35 years ago. The result in Texas, if all of my colleagues from Texas on this side of the aisle are truthful with me, is that the problem in Texas has stabilized. Physicians are coming back to Texas. There's no shortage of specialists because of the law that was passed in Texas.

And I want to point out to the gentlewoman, too, that in this bill there is a provision called flexi-caps that basically says whatever a State does preempts Federal law in regard to caps on noneconomic, as well as contingency fees for plaintiffs' attorneys, or any other provision of the law. State law prevails if they address that either before this bill is passed or after the bill is passed.

Ms. JACKSON LEE of Texas. Will the gentleman yield?

Mr. GINGREY. The gentlelady is eloquent but she's wrong on this issue, and I will yield to her.

Ms. JACKSON LEE of Texas. Dr. GINGREY, thank you for your kindness and your kind words. I would say that rather than being wrong, we disagree.

But what I would say is, if you do not have a cap, then this bill will supersede the laws in States that say they have no caps. And the only thing I would conclude on is that your bill is premised, even though you're citing the individual mandate—and we can quarrel about that as to whether or not it is a forced-upon mandate or whether there are options of that individual having employer-based insurance, et cetera—but it is premised on interstate commerce. And therefore you have an amendment being offered by one of your members to strike that.

The Acting CHAIR. The time of the gentleman has expired.

Mr. CONYERS. Mr. Chair, I yield the gentlelady 1 additional minute.

Ms. JACKSON LEE of Texas. I thank the gentleman.

The premise of this bill is interstate commerce, which in the initial arguments being made by my friends on the other side of the aisle, they argued vigorously that we couldn't even do health care under this premise, even though we have Medicare. The premise you have in this bill is under interstate commerce. But you have an amendment that is seeking to strike your findings because you were caught with a conflict between dealing with this question congressionally, which we're saying is legitimate from the perspective of the Affordable Care Act—you're trying to use it now—but you realize that there are Members who are now arguing the question of states' rights.

We have existing State law on tort reform—hundreds of years of tort reform—and you're trying to abolish it, and with this added legislation on medical malpractice you're now trying to supersede existing State law.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. CONYERS. I yield the gentlelady 1 additional minute.

Ms. JACKSON LEE of Texas. Where the amounts of moneys are not capped, where there are no caps, this bill places the $250,000 in. If there are no caps. That is an overriding of State law. No matter how you cut it, it's an overriding of State law enforcement. And you can't have your cake and eat it, too. I'm willing to celebrate the Affordable Care Act and eat the cake because it saves lives. But what you're doing here now is not. You're overriding State laws. Many States.

Mr. SMITH of Texas. Mr. Chairman, I yield 4 minutes to the gentleman from Arizona (Mr. QUAYLE), who is an active member of the Judiciary Committee.

Mr. QUAYLE. I thank the gentleman for yielding and for his work on this important piece of legislation.

Mr. Chairman, I rise in support of H.R. 5, the PATH Act, because our country is in urgent need of medical malpractice reform. Currently, we have a jackpot justice system that is not based in reality, and it's badly damaging our country's health care system. Profiteering attorneys know this. And that's why the number of malpractice suits has been precipitously rising year after year.

Back in the 1960s, one out of seven physicians would have had a malpractice claim over their entire lifetime. Today, it's one in seven physicians are sued each year. That is an astronomical jump in the number of claims that are being put on doctors. And the doctors are now being forced out of the profession even when they haven't done anything wrong. The practice of defensive medicine is harming the quality of care and pushing up costs. The enormous expense of ensuring a doctor against liability is making health care inflation much worse, not to mention the fact that the current system is damaging the doctor-patient relationship. It damages it in a way because every doctor has to see every interaction with the patient as a potential lawsuit. That is not what the doctor-patient relationship should be built on. It should be built on mutual respect and trust. And until we have something that actually addresses the medical malpractice problems that we have and we get the reforms that are much needed, that actual relationship is never going to improve.

So I urge the House to pass the PATH Act because it will do two vital things to get health care costs under control: First, it would eliminate ObamaCare's Independent Payment Advisory Board and thereby keep a board of unelected, unaccountable bureaucrats from restricting senior access to health care. It also brings medical malpractice lawsuits under control by capping noneconomic damages and limiting attorneys' fees so more money will actually go to the victims rather than overzealous trial lawyers.

These reforms will save taxpayers over $40 billion over the next decade. Everyone knows that we need to do something about rising health care costs, and this bill and taking care of the medical malpractice problems that we have will go a long way in getting those costs under control. This bill will give every Member of this House the opportunity to be part of the solution.

I urge my colleagues to vote ''yes'' on H.R. 5.

Mr. CONYERS. I yield such time as she may consume to a senior member of the Judiciary Committee, MAXINE WATERS of California.

Ms. WATERS. Thank you very much, Mr. CONYERS, former chair of the Judiciary Committee, ranking member, and a gentleman who has provided superb leadership in opposition to H.R. 5.

Mr. Chairman, I rise in strong opposition to H.R. 5, poorly titled Protecting Access to Healthcare, the so-called PATH Act, an unconstitutional, Big Government bill that violates the 10th Amendment and states' rights.

□ 2020

At the very start of the 112th Congress, my colleagues on the opposite side of the aisle declared that all business conducted in the House would be consistent with the Constitution. Yet if you read the constitutional authority statement attached to H.R. 5, the Republican sponsors seem to believe that the Commerce Clause magically creates a path for Congress to mandate nationwide caps on punitive damages in all medical malpractice lawsuits. The Republicans are telling all Americans, no matter how severe the injury or egregious the mistake by the doctor, hospital or drug manufacturer, that their losses are going to be capped at $250,000.

And with all due respect to the gentleman from Georgia, Representative GINGREY, who introduced H.R. 5, even his own State supreme court has found caps on punitive damages to be unconstitutional. In 2010, the Georgia supreme court unanimously struck down limits on jury awards in medical malpractice cases. The Georgia court determined that a $350,000 cap on noneconomic damages violates the right to a jury trial as guaranteed under the Georgia Constitution.

Section 110(a) of H.R. 5 would impose an even lower cap on damages in Georgia, effectively overturning the court's decision by an act of Congress. The section reads:

> The provisions governing health care lawsuits set forth in this Act preempt, subject to subsections (b) and (c), State law to the extent that State law prevents the application of any provisions of law established by or under this Act.

In addition to Georgia, other States like Arizona, Pennsylvania, Wyoming

and Kentucky whose State constitutions specifically prohibit damage limitations will have their constitutions overruled by Congress.

For Members who have for years now questioned the constitutionality of the Affordable Care Act, you need but take a look at H.R. 5. H.R. 5 goes far beyond anything passed by the Democratic majority. If you don't believe me, just listen to Tea Party Nation founder Judson Phillips. In slamming H.R. 5 he wrote:

> Whether you think tort reform is a good idea or not, it is an issue that belongs to the States, not to the Federal Government. Tort law has always been governed by the States.

Now, I didn't say that, Mr. CONYERS didn't say that, and Ms. JACKSON LEE didn't say that. None of those who have been over here this evening opposing H.R. 5 and laying out the facts and the consequences of H.R. 5 said this. Let me repeat. I am quoting Tea Party Nation founder Judson Phillips:

> Whether you think tort reform is a good idea or not, it is an issue that belongs to the States, not to the Federal Government. Tort law has always been governed by the States.

Even some of my Republican colleagues on the Judiciary Committee have expressed concerns. Congressman POE, Republican from Texas said:

> I believe that each individual State should allow the people of that State to decide—not the Federal Government. If the people of a particular State don't want liability caps, that's their prerogative under the 10th Amendment.

Well, let's listen to what Congressman LOUIE GOHMERT, Republican of Texas, said:

> The right of the States for self-determination is enshrined in the 10th Amendment. I am reticent to support Congress imposing its will on the States by dictating new State law in their own State courts.

To my conservative colleagues in this Chamber, don't be tricked. Don't be fooled. H.R. 5, simply and clearly put, violates states' rights. Reject this unconstitutional piece of legislation, protect States' constitutional rights to set tort law and just vote ''no'' on H.R. 5.

Now, let me just wrap this up by saying that the gentleman from Georgia referred over and over again, constantly, this evening about frivolous Californians. And he talked about these juries who didn't take into consideration the facts on these negligence cases, but rather looked at the insurance and said, oh, just give them whatever, they didn't care. Well, I came to defend California and to tell you the difference between what happened in tort reform in California and what you have been told by the gentleman from Georgia.

Supporters of H.R. 5 claim that it is the same as MICRA, a medical malpractice liability law passed in California in 1975. H.R. 5 is far different from MICRA, except that neither law delivered on lower insurance premiums. The differences are clear:

H.R. 5 applies damage caps in all ''health care lawsuits,'' including cases against drug companies, nursing homes, insurance companies and HMOs. MICRA only applies to malpractice cases against a doctor or a hospital.

Punitive damages are reserved for only the most egregious medical malpractice; they are meant to deter future dangerous conduct. H.R. 5 limits punitive damages. MICRA does not cap punitive damages.

H.R. 5 gives total immunity from punitive damages to drug and device manufacturers if their products have been approved by the FDA or are ''generally recognized as safe and effective.'' MICRA does not provide this kind of sweeping immunity for the drug industry.

H.R. 5 caps noneconomic damages at $250,000 in the aggregate, no matter how many parties have been damaged by medical malpractice, even when an injury results in loss of a marital relationship. California law recognizes a separate claim for loss of consortium—claims brought by the spouse of an injured patient. MICRA does not limit these claims.

Joint and several liability, which my leader asked you about, Mr. GINGREY, enables an individual to bring one claim against any of the parties involved in a medical malpractice injury and ensures that injured victims are fully compensated. H.R. 5 completely eliminates joint liability for both economic and noneconomic losses. California law only limits joint liability for noneconomic damages.

H.R. 5 and MICRA are alike in one main respect—by themselves, neither law can deliver on lower medical malpractice insurance premiums.

H.R. 5 includes unprecedented legal protections for the insurance industry, but no guarantee that any future savings will be passed onto doctors or patients.

Following the passage of MICRA, insurance premiums for doctors increased in California by 450 percent over the next 13 years. Premiums only decreased after California enacted Proposition 103, a ballot initiative that mandated a 20 percent rollback in premium rates. I was in the California legislature when that happened.

H.R. 5 does not guarantee lower premium rates for doctors. In fact, the bill only mentions insurance companies when giving them protection from liability.

So, again, I say, don't be fooled, don't be tricked. I don't really mean to imply, Mr. GINGREY, that you are trying to fool or trick anybody, but you're simply wrong. We have given our opposition in more ways than one this evening to H.R. 5. But since you alluded to or talked about or pointed directly to California and all of these people who simply have frivolous lawsuits and these poor juries who sit and don't take into consideration the facts and simply look at how much insurance is available and just award these tremendous amounts, I had to add to my testimony this evening a defense and an explanation and show the difference between MICRA and H.R. 5.

I think I have done that, and I think I have done that with the facts that exist. I am very pleased that I have been able to join with my colleagues this evening to not only reveal what H.R. 5 is and is not, but I think we have made the case. I think that we have put the facts forward in such a way that we're going to win on this issue. I ask you to oppose H.R. 5.

Mr. SMITH of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia, Dr. GINGREY.

□ 2030

Mr. GINGREY of Georgia. Mr. Chairman, I thank Chairman SMITH for yielding to me.

As good a communicator as the gentlewoman from California is, I would be quick to state that she is not the Great Communicator. The Great Communicator, of course, was President Ronald Reagan.

The gentlewoman from California talked about comments that were made on my side of the aisle, members of the Judiciary Committee, and named a couple of Members on my side of the aisle that were concerned about federalism and the 10th Amendment and states' rights. I just want to remind her that, at least from our perspective—and the gentlewoman may not agree with this at all—but from our perspective on this side of the aisle, the Great Communicator was President Ronald Reagan.

In a speech in 1986 to the U.S. Chamber of Commerce, after a commission had reported to him on this issue of medical liability reform and the need for same, the President very clearly outlined almost the identical provisions that are part of MICRA, the Medical Injury Compensation Reform Act, that was passed in his State that he governed for 8 years, the great State of California. So, again, the gentlelady makes her points well; but, quite honestly, I think there's a bit of embellishment on their side of the aisle.

Who do you trust? The gentleman from Arizona (Mr. QUAYLE) just spoke moments ago, Mr. Chairman, about who do we trust. Well, right above you, as you sit there, first of all, ''In God We Trust.'' In mom and dad we trust. In Dr. Bailey, Augusta, Georgia, we trust. In uncle we trust, but that's way down the line, way down the line.

I think our colleagues on the other side of the aisle think that Big Government should control everything, that they should make the decisions. That's where ObamaCare came from. To do it, they had to proffer a 2,800-page bill that is clearly unconstitutional.

H.R. 5 is not unconstitutional. You look at article I, section 8, clause 3, the Commerce Clause, and clearly it's constitutional. Requiring someone, forcing someone to engage in commerce, indeed, to purchase health insurance

under the penalty of a tax is unconstitutional, and that will be determined by the Supreme Court.

Mr. CONYERS. Mr. Chairman, we have no further requests for time. With the agreement of the chairman of the committee, I would like to close at this point.

Mr. SMITH of Texas. Mr. Chairman, we have no other speakers as well, and I am prepared to close on this side.

The Acting CHAIR. The Chair recognizes the gentleman from Michigan.

Mr. CONYERS. I'd like to thank all of the Members on both sides of the aisle that have participated in this important debate. There has been a lot of clarity, even though there has been a great difference in opinion.

I return the balance of my time with this thought in mind, that even though the author of this bill is a well-regarded medical practitioner and a distinguished Member of the body, he is a doctor, but he is not a lawyer.

I commend him on the fact that he agreed with the statement that to me determines a lot of people's point of view about this very controversial bill that is now before the floor, H.R. 5. That is, he agreed and answered in the affirmative that H.R. 5 eliminates joint and several liability for economic, noneconomic, and punitive damages. To me, with all the cases that have been of human suffering, of injury to women and children, of how wrong it would be to limit all of these kinds of damages to $250,000 in this 21st century is an insult to common sense and fair play.

Mr. GINGREY of Georgia. Will the ranking member yield?

Mr. CONYERS. I will yield to the gentleman.

Mr. GINGREY of Georgia. I appreciate very much you yielding to me for that, because clarification needs to be made.

You're suggesting that what I said was there would be a limitation of $250,000 because of the elimination of joint and several liability. That's not true at all. Whatever the judgment is, the $250,000 in noneconomic, the $10 million in economic, would be apportioned to the defendants in proportion to their liability. That's what the elimination of joint and several liability means, eliminating this deep-pocket mentality of plaintiff's attorneys.

Mr. CONYERS. Well, through the Chairman, I accept the comments of the gentleman from Georgia. I assume that his response to my question earlier is still ''yes.'' If that is the case, then all I can say is that I think there are very few people in the Federal legislature or among our citizenry who would say that there should not be an unlimited amount of recovery. The gentleman must have some feeling for the fact that $250,000 for the rest of the person's life, if they lose arms or legs, eyes, it's just unacceptable. I won't say that it's immoral, but it's unfair.

It's my hope that most of our colleagues, as we continue this debate tomorrow, will realize that that is the fatal flaw in a bill that may have some justification in other parts of it, but that limitation of damages cannot be rationalized nor justified by the collective body of this legislature. For that reason, sir, I am urging all of our colleagues to consider this one point that I make tonight, as I close, as to be controlling in their decision that they will make as we vote tomorrow on this bill.

I thank all of the Members that have joined in this debate this evening.

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

Mr. SMITH of Texas. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I just want to reemphasize again that, under this bill, awards are possible that far exceed the $250,000 cap in noneconomic damages. That's because under the economic damages provision, there is simply no cap. As a result of that, States like California and Texas, which have adopted reforms very similar to the reforms in this particular piece of legislation, there have been numerous awards of multimillion dollars awarded to individuals who have been injured.

□ 2040

So even though we had that $250,000 noneconomic cap, that is not an absolute cap on the awards that have been made.

A minute ago, Dr. GINGREY mentioned that in California, for example, several years ago, I believe it was 2007, there was a $96 million award. And in the last year for which we have records, in 2010, there were awards, I think, for over $6 million, over $10 million, over $14 million. So an individual is able to be reimbursed for the costs and the injuries that that individual may have incurred.

Mr. Chairman, I also want to say that America's medical liability system increases the cost of health care and decreases access to care as doctors abandon their practices and avoid high-risk specialties out of fear of being sued. Medical liability reform, this bill tonight will solve this problem.

According to the Journal of the American College of Surgeons, 5 years after tort reform legislation passed in my home State of Texas, the number of physicians in the State increased by 24 percent. That is twice the rate of growth in population over the same period of time. Other States have seen similar results.

But most States have not enacted meaningful reforms and, as a result, frivolous lawsuits have created a medical liability crisis. This crisis has forced women to drive great distances to deliver their babies because their local hospital doesn't have an OB–GYN.

It has resulted in those who need complicated procedures being placed on waiting lists for months because the only available specialist has too many patients who seek care, and it has caused accident victims to lose their lives because their local emergency room no longer has a trauma center. America's broken medical liability system has caused patients to lose access to high-quality health services.

The liability reforms contained in the HEALTH Act will do these things: lead to a significant savings in health care expenses, reduce the practice of defensive medicine, halt the departure of doctors from high-litigation States and medical specialties, improve access to health care, and increase the affordability of health insurance. Also, according to the Congressional Budget Office, this legislation will reduce the Federal deficit by more than $45 billion over the next 10 years. This is a significant savings in a time of escalating deficits and debt.

We've seen the positive effects that similar medical liability reforms have had at the State level. Reforms in States like California and Texas have enhanced patient care, reduced doctor shortages, and decreased cost. It's time for Congress to enact these reforms for the benefit of all Americans.

Mr. Chairman, before I yield back the balance of my time, I'd like to thank the gentleman from Georgia, Dr. GINGREY, who has spoken so well so many times tonight, for introducing this piece of legislation that is going to help so many people across America.

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

Ms. SCHWARTZ. Mr. Chair, I rise in opposition to the bill before us.

H.R. 452, the Medicare Decisions Accountability Act, had clear bipartisan support.

As a co-sponsor, I am deeply disappointed by Republicans' decision to link this legislation to an unrelated and partisan issue. This rule ensured that repealing IPAB would not be given serious consideration in the House.

My support for IPAB repeal reflects my confidence in and commitment to Medicare payment and delivery system reforms in the Affordable Care Act that will improve quality, increase efficiency and care coordination, and not only save lives but reduce costs.

IPAB is not a ''death panel'' or a ''rationing board.'' IPAB is simply the wrong approach to the right goal.

Abdicating responsibility for legislating sound health care policy, whether to an unelected commission or private insurers, undermines our ability to represent the needs of our constituents.

Republicans have once again demonstrated that political showmanship trumps legitimate concerns expressed by seniors and the medical community.

Linking IPAB repeal to tort reform—an unrelated, divisive, and polarizing issue—has brought what was once a bipartisan effort to a screeching halt.

I urge my colleagues to vote against this partisan stunt and put our Nation's seniors first.

Mr. FITZPATRICK. Mr. Chair, over the course of the last 2 years since the President signed the so called Affordable Care Act into law, bipartisan opposition to many portions of this legislation has steadily grown in this Chamber.

I have called for a full repeal of the law, however, it is vital that the most damaging sections be repealed here and now. One of

the most clearly flawed aspects of the Affordable Care Act is the creation of the Independent Payment Advisory Board.

As the House puts forward ideas to protect and save Medicare, the Administration has decided it can better serve seniors by cutting Medicare by more than $575 billion to create a panel of unelected, unaccountable Washington bureaucrats tasked with cutting Medicare even further.

More than 230 of my colleagues in the House and over 380 groups representing doctors, patients and employers have joined us in opposition to the IPAB. I urge the Senate and President to stand with us against this overreach of government power and pass the Protecting Access to Healthcare Act.

The Acting CHAIR. All time for general debate has expired.

Mr. SMITH of Texas. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GRIFFITH of Virginia) having assumed the chair, Mr. NUGENT, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system, had come to no resolution thereon.

THE AFFORDABLE CARE ACT: KEEPING SENIORS HEALTHY AND REDUCING HEALTH CARE COSTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from New Jersey (Mr. PALLONE) is recognized for 38 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I don't plan to use the entire time, but I come to the floor this evening basically to talk about the Affordable Care Act. Some call it the health care reform.

This Friday will be the second anniversary of the President's signing of the Affordable Care Act, or health care reform, and I'd like to talk a little bit about how it's helping so many people with patient protections and added benefits, whether you're talking about seniors or young people or women or just the general public.

The main thing that is heralded, if you will, by the Affordable Care Act is the opportunity over the next few years to expand health insurance to so many Americans who do not have health insurance now. We estimate there are variously between 40, maybe 45 million Americans that simply have no health insurance; and what that means is they either don't go to a doctor or they don't get any kind of health care unless they get very sick and end up going to the emergency room. The consequences of that is that they take no preventative care. They end up in the emergency room. Oftentimes, they can't afford to pay the cost of the emergency room, and that cost simply gets passed on to the hospital or, ultimately, to everyone else who is paying for health insurance.

So basically, what the Affordable Care Act does over the next few years is try to expand insurance coverage to something like 98, 99 percent of all Americans, taking up those 45 million people and, for the most part, making sure that they have health insurance. It does that in two basic ways:

First of all, it expands Medicaid, which is the health insurance program for people below a certain income. About 15 million Americans who have no health insurance now would be eligible for Medicaid under the Affordable Care Act over the next few years when it kicks in.

In addition to that, for the rest of the Americans who have no health insurance, most of them are people that either don't get it on their job, they're not eligible, or they're not offered health insurance by their employer, or they may be individuals who are employed on their own or at home or not employed in some capacity. They have a very hard time buying a health insurance policy on what we call the individual market. So what the Affordable Care Act does, it sets up exchanges in every State, or throughout the country, where you can get a very good package for a reasonable price, a very low-cost price, and, at the same time, it provides a subsidy through tax credits to many Americans, depending upon their income.

We estimate for a family of four making up to $70,000 or $80,000 a year would be eligible for some sort of subsidy or tax credit that would make their health insurance policy more affordable. So essentially, what we do is, between expansion of Medicaid and the subsidies, if you will, and the low-cost insurances offered now on these exchanges around the country, most people would end up with health insurance.

Now, what I wanted to talk about today are some of the benefits, if you will, that have already kicked in for various groups of people, particularly seniors. I wanted to start with seniors because many seniors, as you know, because they're on a fixed income, have a hard time making ends meet. Oftentimes, they can't afford their rent, they can't afford food, and for them to take extra money out of pocket to pay for health care costs is oftentimes very difficult, and they have to make choices between heat or food as opposed to health care.

One of the things that I really want to stress today, because I listened in the last few nights, because of the anniversary of the Affordable Care Act coming up on Friday, I've heard some of my colleagues on the Republican side of the aisle actually suggest that somehow the Affordable Care Act was going to negatively impact Medicare. Nothing could be further from the truth. In fact, the Affordable Care Act expands benefits for seniors under Medicare in many significant ways.

But it's particularly interesting that I hear that from the other side of the aisle, from the Republican side of the aisle this week because, on Tuesday, the Republicans unveiled their budget for the next fiscal year.

□ 2050

Once again as they did last year in last year's budget, the Republican budget this year essentially gets rid of Medicare, or what I would say ends traditional Medicare. So it's kind of strange to hear the Republicans talk about Medicare and the Affordable Care Act since the Affordable Care Act actually expands benefits for seniors under Medicare, whereas they unveiled their budget this week that actually abolishes, for all practical purposes, Medicare as we know it.

What the Republican budget does, once again, is say to seniors, Well, we're going to give you a voucher. We're going to give you a certain amount of money through a voucher, if you will, and you can take that and go out and buy private insurance instead of getting the guaranteed benefit under Medicare that seniors now have.

The problem with a voucher is that it's a fixed amount of money, and it's not all clear that seniors can buy health insurance with a voucher. But even if they could, because it's a fixed amount of money and it doesn't increase significantly over the years, what you'll find with that voucher is that more and more seniors would have to pay out of pocket either to purchase the insurance because the voucher is not enough or because they probably can't get a decent package equivalent to the Medicare guarantee, and therefore would have to pay out of pocket for certain costs that are not covered by the health care plan that they purchased with the voucher.

So it's sort of ironic to hear the Republicans talk about the Affordable Care Act and suggest that the Affordable Care Act should be repealed because of its impact on Medicare when in fact they're doing their best under the budget to basically end Medicare as we know it.

Let me talk a little bit about some of the benefits.

I want to talk about how the Affordable Care Act helps seniors, and then a little bit about how it helps women, and then a little bit about how it helps young people.

Of course, it helps everybody by simply expanding health care coverage for those who don't have health insurance.

But the benefits, in particular, I want to talk about and start with seniors.

I mentioned before that no group has been hit harder by soaring health care costs than seniors. With the economy struggling over the last several years, seniors have suffered even more as they've watched many of their pensions and investments dwindle, making

the cost of addressing their health care needs even more challenging.

Now, as a result of the Affordable Care Act, some of the financial burdens plaguing seniors trying to manage their health care needs have been alleviated.

For example, all Medicare beneficiaries now have access to preventative care and services without any copay, coinsurance, or deductible. Many times you will find that seniors won't even access health care because of the copay, which is about 20 percent in most cases.

So now services like annual wellness visits, cholesterol and other cardiovascular screenings, mammograms, cervical cancer screenings, prostate cancer screenings are completely free of charge to seniors. No copay. The fact of the matter is that the Affordable Care Act expands benefits for seniors, makes it so seniors pay less.

More than 32.5 million seniors nationwide have received one or more free preventative services, and 2.3 million seniors have already received a free annual wellness visit to their doctor, which again is a critical step in preventing a more serious illness because if the senior citizen goes for the annual checkup or has some of these preventative services free of charge, then that avoids them having to get sicker, ending up in a nursing home or ending up in a hospital.

The most important thing, though, in terms of expansion of benefits under the Affordable Care Act for seniors is the closing of the Medicare part D doughnut hole.

Seniors before the Affordable Care Act would run out of their part D benefits on the average by September of the year. In other words, if they spent more than $2,500 approximately on drugs, they wouldn't get any help under Medicare part D until they got to a higher catastrophic level of $5,000. So that was the doughnut hole, that gap when they weren't getting any money to help pay for their prescription drugs.

What the Affordable Care Act does is it closes the Medicare part D doughnut hole and provides a 50 percent discount on brand name drugs. 3.6 million seniors have already received the discount, saving a total of $2.1 billion, with each senior saving an average of $604.

Now, by 2020 that doughnut hole is closed completely. Now it's a 50 percent discount, but gradually that will close by 2020 when all their drugs are covered and the doughnut hole ceases to exist.

I also want to stress that the Affordable Care Act has cracked down on fraud in Medicare. In fiscal year 2011, a joint anti-Medicare fraud task force of the Health and Human Services Department, Department of Justice, recovered more than $4.1 billion in fraudulent Medicare payments on behalf of taxpayers.

A lot of times, my senior citizens will say to me well, there's a lot of fraud in Medicare. There is. But the Affordable Care Act has significantly cracked down on a lot of that fraud, $4.1 billion in fiscal year 2011.

Now, I mention this again by way of contrast. Here we are in the Affordable Care Act expanding benefits, making it so seniors don't have to pay more, and what are the Republicans doing with their budget? They have a budget that basically says we'll give you a voucher. You go out and buy your health insurance. If you can't afford it, you have to pay the difference. The basic guarantee of Medicare and a good benefit package simply won't be there, and seniors will just end up paying more out of pocket.

Now, I wanted to talk a little bit about how the Affordable Care Act levels the field for women's health care because we know that traditionally in health care there has been a huge gender gap.

A report issued this week from the National Women's Law Center shows that more than 90 percent of the best selling health plans still charge women more than men for the same coverage just because women use more health services. The health care law, the Affordable Care Act, will prohibit this discriminatory practice, which we call gender rating, beginning in 2014. So that when the Affordable Care Act fully kicks in, this gender gap will simply disappear.

Now, you might say to yourself, well, how is that possible? It's mainly because insurers have considered millions of women as having what we call preexisting conditions. In other words, they were denied coverage or they were charged more for having had breast cancers, Cesarean-section childbirth, having even been pregnant. Some policies would charge women more because they were pregnant or consider that a preexisting condition. Or for being victims of domestic abuse, for example.

So denying women insurance on these grounds is unconscionable, and thanks to the Affordable Care Act, beginning in 2014, women will no longer be denied coverage by any insurers based on these preexisting conditions, and they can't be charged more because of the preexisting conditions.

Now, we've seen again by contrast, what have the Republicans been doing? They say repeal the Affordable Care Act, which would let these preexisting conditions and this gender gap continue. But beyond that, over the last year or so, we've seen the Republicans essentially declare war on women, and I just want to give you an example.

One of the ones that has received the most attention lately are these attempts by the Republicans to block access to contraception. I don't know how far they're going to go in terms of denying women coverage, but that's one of the things that we've seen in the headlines for the last few months or so.

Let me give you some other examples under the Affordable Care Act. Insurance companies are now prohibited from requiring women to obtain a preauthorization or referral for access to OB–GYN care. Health care reform also requires insurance plans to cover important preventative services, including critical immunizations, numerous health screenings, and counseling services, with no cash cost-sharing by women.

Women in new private plans under the Affordable Care Act, they provide free coverage of important lifesaving preventative services.

But the other thing that would often happen is that many health insurance plans have what they call lifetime dollar limits on health benefits so that if a woman—this would be true for anyone if they have that lifetime dollar limit in it—but oftentimes it was applied to women in particular; that if you spent a certain amount of money on your health care over your lifetime, that was it. You didn't get any more coverage under your plan. So that is also prohibited under the Affordable Care Act.

Now, I just mentioned those few things that apply to women because there really continues to exist a gender gap but that will be closed and eliminated under the Affordable Care Act when it completely kicks in.

Now, the last group I wanted to mention just because I always felt that many times in Congress we don't pay a lot of attention to kids, and I felt that it's very important for us to recognize the fact that policies and the practices and the laws don't necessarily help children, and children are very vulnerable. It's like, the seniors are vulnerable, the children are vulnerable.

One of the things that's significant about the Affordable Care Act, it really makes a difference for children in terms of keeping them healthy and also keeping them insured.

□ 2100

And a lot of times Americans have to make choices with regard to their kids about whether they can afford health care services because of the prohibitive cost of insuring children.

Under the old system, before the Affordable Care Act, sick children were often denied health coverage if their parents were forced to change insurance because they either switched or lost their jobs. Insurance companies declined or dropped coverage for children when young adults got sick or had an accident. That's no longer the case. Under the Affordable Care Act, basically there is a prohibition on insurers denying coverage of children under age 19 for having a preexisting children.

Up to 17 million children with preexisting conditions are now protected from that type of discrimination. Currently, there are 7.3 million American children without any health insurance. Beginning in 2014, the law will provide access to quality coverage. That's accomplished again by expanding Medicaid coverage and also by providing affordable insurance on these exchanges with a tax credit or some kind of help

from the Federal Government to pay for the insurance.

The other thing I wanted to point out, though—and this is really significant because, again, it has kicked in and I've had many of my constituents come up to me and mention it—is that the Affordable Care Act requires health plans to allow parents to keep children under age 26 without job-based coverage on their family's coverage and give millions of parents and young adults the peace of mind that they can start their lives and careers without being crippled by health care expenses.

What happens is that because of the economy and the difficulties we've had with the economy over the last few years, a lot of kids or young adults, when they graduate high school, when they graduate college, are not able to find a job, or while they are in college they can't afford health insurance on their own because they have to go out and buy it on the individual market. What the Affordable Care Act says is you can be kept on your parents' policy and the insurance company has to provide that option up to the age of 26. That's very significant. Millions of young people that did not have coverage are now covered by that under their parents' policy.

I just wanted to take a couple more minutes. I wanted to give some examples of the numbers of people in my district, the Sixth Congressional District in New Jersey, that have been impacted in a positive way by the Affordable Care Act.

These statistics come from my committee that I serve on, the Committee on Energy and Commerce. And just to give you some idea, in my district, in the Sixth District of New Jersey:

6,800 young adults in the district now have health insurance that didn't have it before;

9,100 seniors in the district received prescription drug discounts worth $6.9 million, an average discount of $760 per senior. This is for their prescription drug coverage;

There were 63,000 seniors in the Sixth District in New Jersey that received Medicare preventive services without paying any copays, coinsurance, or deductibles;

31,000 children and 130,000 adults now have health insurance that covers preventive services without paying any copays, coinsurance, or deductibles;

There are 620 small businesses in the Sixth District that received tax credits to help maintain or expand health insurance coverage for their employees;

There have been $1.8 million in public health grants that have been given to community health centers, hospitals, doctors, and other health care providers to improve the community's health. Community health centers have really expanded in the district because of the Affordable Care Act; and

There are 8,000 to 35,000 children with preexisting health conditions who can no longer be denied coverage by health insurers.

I can give you more statistics, but I just want to point out that these benefits under the Affordable Care Act are impacting constituents in every district in the country, not just mine. Not only the thousands of people in my district, but all over the country, millions of people.

I just wanted to talk a little bit about the cost issue, because I always hear the Republicans say, Oh, your costs are going to go up because of the Affordable Care Act. In fact, costs for health insurance now without the Affordable Care Act have gone up, but the Affordable Care Act actually is reducing costs for health insurance. Whatever cost increases that are being exhibited now are because the Affordable Care Act hasn't gone into effect completely. It kicks in gradually over the next few years.

I also hear some of my Republican colleagues say, Oh, your health insurance went up. That's because it hasn't kicked in yet. Once it kicks in, there are a lot of positive impacts on costs that will make a difference.

Let me just talk about some of the statistics in terms of costs that I think are significant.

Since enactment of the health care law, the reform, the ACA, premiums are generally lower or stable. Average premiums for Medicare Advantage enrollees are 7 percent lower in 2012 than they were in 2011. Since the health care law was enacted, these premiums have fallen by 16 percent. Average premiums for Medicare part D, the prescription drug program, in 2012, have seen no increase from the 2011 level. The Medicare part B deductible has fallen by $22 to $144 in 2012, the first time in Medicare history that the deductible has actually fallen. For most Medicare part B enrollees, the standard part B premium in 2012 is quite stable. It's 3.6 percent higher than the premium they paid in 2011, matching the 3.6 percent COLA increase seniors are receiving in their Social Security checks.

The growth in private plan premiums has also slowed. In September 2011, Mercer, an independent benefits consulting firm, released a survey of employers showing that health insurance premium increases will average 5.4 percent in 2012, the smallest increase measured since 1997. Despite Republican claims, the health care law has played essentially no role in recent private plan premium increases. In fact, the premium increases have taken effect only because the ACA has not fully kicked in at this point.

There are two provisions that I wanted to mention that deal with cost and that address cost in the Affordable Care Act that I think are significant and that put downward pressure on premiums.

One is the rate review, and that is, under the health care law, there is a new transparency and accountability for insurers, with insurers being required to publicly justify on the Internet any premium increases they are seeking that are over 10 percent. And the Department of Health and Human Services has rate review authority to publicly deem these increases to be unreasonable, and they've done that in a number of States. The health care law also provides $250 million in health care insurance rate review grants to the States to make them enforce and keep premiums down.

Finally, under the health care law, insurers must spend at least 80 percent of premiums on medical care and quality improvement rather than CEO pay, profits, and administrative costs. If insurers don't meet these standards, they have to pay rebates to their consumers starting this summer. These are significant ways of cutting back on costs.

What do we see from the other side of the aisle? Again, repeal the Affordable Care Act. If the Affordable Care Act were repealed, all the things that I talked about would disappear. Costs would climb. More and more people would have no insurance. All the benefits for seniors—the fact that you can have your children on the policy until 26, the gender gap for women, all these things, all the benefits would disappear and only the bad impacts from insurance companies being able to do whatever they want would remain.

The Republicans talk about repealing the Affordable Care Act. They don't say what they would substitute for it. What we do know—and I'm going to close with this, Mr. Speaker—this week we heard from the Republicans in terms of what they want to do with their budget. Again, what does their budget do? It essentially privatizes Medicare. It makes it into a voucher program, causing seniors to spend more money out of pocket for the type of guaranteed benefits they receive now under Medicare. It even goes and impacts Medicaid.

A lot of people are not aware of the fact that Medicaid, which most people see as a program for poor people, actually pays most of the costs for nursing home care in this country. What happens is that if you have to go to a nursing home, you have to spend all your assets essentially—with few exceptions—on paying for that nursing home care; and then after you have no assets left, the Medicaid kicks in and pays for your nursing home care.

What do the Republicans do in their budget? They basically slash Medicaid. They block-grant it to the States. They slash it from 20 percent to 30 percent based on different accounts. That's a 20 percent to 30 percent slash, and that money goes back to the States because the States have to match Medicaid. They also abolish the expansion of Medicaid, that I mentioned before, under the Affordable Care Act because they assume under the budget that the Affordable Care Act is going to be repealed.

So not only is there a negative impact on Medicare because it becomes a voucher and essentially traditional Medicare disappears and seniors pay

more out of pocket, but with regard to Medicaid, which pays for nursing home care, the States are going to get so much less money that the quality of nursing home care will seriously diminish.

□ 2110

I remember back in the seventies when you would go to many nursing homes, and they were terrible places. Because we upgraded them and we provided money to the States to pay for Medicaid, which they matched, the quality of nursing homes improved significantly. Well, what happened—and I'm not just telling this. The nursing home industry has said this—with these types of cuts that are being proposed in the Republican budget, a lot of nursing homes will close, and their quality of care will diminish. They won't have as many nurses on staff. They won't be able to do a lot of the things they do now to make people's lives in nursing homes more comfortable.

And the budget assumes the repeal of the Affordable Care Act, which means that the expansion of Medicaid, the subsidy to pay for health insurance, all the things that I have talked about before would simply disappear.

So I know I make a stark contrast between what the Republicans are proposing and what we're doing with the Affordable Care Act and trying, on the Democratic side, to shore up and expand Medicare benefits. But the fact of the matter is that it is a stark contrast, a very stark contrast in terms of a world view of what we are going to do in terms of health insurance coverage and what we're going to do to protect seniors in Medicare. And I think it's very important for my colleagues to understand these differences as we proceed over the next few weeks.

So I am very proud of the fact that on Friday, we will be celebrating the second anniversary of President Obama signing the Affordable Care Act. And I am also proud of the fact that, as a Democrat, we are going to oppose the Republican budget. When the Republican budget was proposed last year, it passed the House, but it didn't pass the Senate; and we heard nothing more about it.

And that's exactly what we plan on doing this year because we can't allow Medicare to be destroyed. We can't allow the Medicare guarantee to disappear. We can't allow Medicare to basically wither on the vine, as former Speaker Gingrich said, as it's vouchered and as it's privatized, as the Republicans suggest in their budget.

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

THE AFFORDABLE CARE ACT: A REBUTTAL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Georgia (Mr. GINGREY) is recognized for 47 minutes as the designee of the majority leader.

Mr. GINGREY of Georgia. Mr. Speaker, I thank you, and I thank the majority leader for allowing me this opportunity to take the leadership hour this evening and, quite honestly, the opportunity to respond to my colleague, Representative FRANK PALLONE, who is a colleague on the Energy and Commerce Committee—in fact, the ranking member of the Health Subcommittee—as he talked about the benefits of the Patient Protection and Affordable Care Act. And he spent the last 35, 40 minutes talking about what a great piece of legislation that was and about all of the wonderful things that it has already done.

Well, I'm going to take my leadership time, Mr. Speaker, to give the other side of this viewpoint and to suggest that this is not a good bill, that this is not helpful. Certainly my colleagues on the Democratic side, when they were in the majority—and 2 years ago this coming Friday they passed into law the Affordable Care Act, ObamaCare—they felt like this was the best thing since sliced bread, like this was the solution to all of our problems.

Yet we spent 2 years cramming that bill—literally cramming that piece of legislation, all 2,811 pages of it, down the throats of the American people when our unemployment rate was 9.5 percent, when 15 million Americans were out of work and another 15 million were underemployed. This was our number one priority, national health insurance, a complete government takeover of one-sixth of our economy? This is what the Democratic majority in the 109th, 110th Congresses have forced upon the American people.

The gentleman from New Jersey can talk about all the wonderful things that have occurred since the passage of ObamaCare. But let me just point out some truths that, Mr. Speaker, don't need any adjectives to explain. The truth is, there were never 47 million people in this country who could not afford health insurance. There may have been 47 million who didn't have health insurance. But how many million people of that 47 million estimate were making more than $50,000 a year? Mr. Speaker, how many were making more than $75,000 a year? And how many of the 47 million uninsured were in this country illegally? How many were eligible for one of our safety-net programs, like Medicaid or the SCHIP program for their children, in their respective States? And when you crunch all of those numbers, there may have been and may be 15 million people in this country who do not have health insurance because they can't afford it or because they don't want it. They would rather pay as they go.

Now, I'm not going to stand here and suggest—particularly as a physician Member—that that's a wise thing to do. The expression is ''to go bare'' in regard to health insurance coverage. I wouldn't recommend that. But certainly as an individual in this country, the land of the free, we have the constitutional right to make that decision for ourselves and our families.

And what the Democratic majority did with ObamaCare, the way they made it work, when you cut right to the chase, so they could cover people with preexisting conditions, whether they were nearly seniors or children, to eliminate yearly or lifetime caps, to provide preventive health services that didn't previously exist, the way they did that, colleagues—and you know this—they cut $550 billion out of the Medicare program. They virtually gutted Medicare Advantage. Twenty percent of seniors select Medicare Advantage.

The title, Mr. Speaker, speaks for itself. It's an advantage because that program covers many of these preventive services that the gentleman from New Jersey was talking about that are now available under ObamaCare. They were available under Medicare Advantage, but now that program has been gutted. It's been cut 14 percent per year over a 10-year period of time. So you rob from Peter to pay Paul.

And who is Paul? Paul is this 15 million to 20 million that are left in that group who have no insurance, many of whom who don't want it. And now we have created a whole new entitlement program that we cannot afford when 15 million people are out of work and the unemployment rate, Mr. Speaker, for—what is it—38 straight months now has been above 8 percent. That, despite the fact that the stimulus bill and its $875 billion on shovel-ready projects that promised—that promised when the unemployment rate was 7.6 percent that this would solve the problem, and it would not go above 8 percent. It hasn't been below 8 percent since we've spent the money.

□ 2120

So I say to the gentleman from New Jersey and my Democratic colleagues in this Chamber, you fiddled for 2 years; you fiddled while Rome was burning. And so, yes, now you can beat the drum and celebrate the 2-year anniversary of ObamaCare while 60 percent of this country continues to tell you they hate it. They hate it. And they're going to tell you that loud and clear, as they did 2 years ago. They're going to tell you that loud and clear November 6, 2012.

I take no pleasure in that. I enjoy being in the majority. Mr. Speaker enjoys being in the majority. But our responsibility is to the American people, especially to our seniors—our moms and dads—and those folks who are struggling, who are on a fixed income. But to suggest that we're helping them when we cut their program $550 billion, to suggest that closing the doughnut hole is a good thing and lowers the cost of health care and lowers the cost of prescription drugs, no, it doesn't.

Because what this Federal Government, what Uncle is doing is forcing

the pharmaceutical industry to pay for that doughnut hole, and to pay for it with brand drugs when prior to ObamaCare we were filling that doughnut hole with generics.

And so what is going to happen? This pharmaceutical industry, it's whack-a-mole. You squeeze that balloon, it's going to bulge out on another side. And it's going to bulge out when they raise the premiums for prescription drug coverage for everybody else.

The gentleman talked about these wonderful exchanges that are going to be set up for the people who don't have health insurance. I don't object, Mr. Speaker, to the idea of setting up State exchanges. That's an idea that's been around for a long time. It didn't just originate with ObamaCare. But when you hear my good friend from New Jersey, the ranking member of the Health Subcommittee on Energy and Commerce—and he certainly should know of what he says—that in these exchanges people are going to get a subsidy, in other words, that's a government handout. They're going to get a check if they make $75,000 to $80,000 a year. You heard him say it. Colleagues, you heard him say it.

Now, I would like to ask the 700,000 people in the 11th Congressional District of Georgia what they think of $70,000, $75,000, $80,000 a year and getting a government handout, a subsidy. My people, the people I represent, would feel wealthy if they made $75,000 a year, and they would not be expecting a government handout.

What this administration has done with this piece of legislation—Mr. PALLONE criticized the Republican idea in the Republican budget of block-granting the Medicaid program. The Medicaid program, colleagues, it's been around since 1965. It's a good program. It's shared between the Federal Government and the States. But under ObamaCare, States are told that they cannot be innovative in regard to designing a Medicaid program that best fits the needs of the citizens of their State.

It's called maintenance of effort. ObamaCare says to the Governors of the respective States: You can't do anything. You can't make any changes whatsoever in your Medicaid program. You can't check on eligibility. You can't check to make sure that an individual that applies is in this country legally. You can't drug-test these individuals. You can't do anything to make sure that that program for your State is going to those who need it, who are eligible for it, and to who deserve it, because of this maintenance of effort restriction under ObamaCare.

Not only do we put handcuffs on the chief executives of our States, but we also mandate that they now cover under the Medicaid program people up to 133 percent of the Federal poverty level. Prior law, the requirement was 100 percent. Yes, some States went above that when times were good, when unemployment was 6 percent instead of 9.5 percent, as it is in my current great State of Georgia. But States can't afford to do that.

But the Federal Government comes along and says, because of ObamaCare, we're going to force you to stay where you are. You can make no changes. You cannot go down to 115 percent or 100 percent. Oh, no. You have to stay at 133 percent. And we are looking at an additional cost to the States over the next 10 years of $15 billion.

That's why this is part of the lawsuit that the Supreme Court will hear next week in the 6 hours of testimony—that and this individual mandate in ObamaCare that forces individuals to engage in commerce, the Federal Government regulating commerce as provided for in article 1, section 8, clause 3 of our great Constitution. Oh, no. This says whether you are engaging in commerce or not, Mr. Speaker, you have to participate.

I know my colleagues have heard the expression and the comments from me and others, What's next? Everybody has to eat broccoli? It's absolutely absurd. It's patently absurd for the Federal Government to tell people they have to engage in commerce. We understand the Constitution and the right constitutionally to regulate existing commerce between States, but not to force people.

So as I have these moments tonight to talk about as a counterpoint to Mr. PALLONE in regard to the Patient Protection and Affordable Care Act, Mr. Speaker, it could not be more unaffordable. The CBO just came out with a new score. Originally, 2 years ago, that score was something like $950 billion and, according to smoke-and-mirror accounting, completely paid for. Now the cost—the adjusted cost—is about twice that. It's about twice that.

□ 2130

So it's not the Affordable Care Act but the Patently Un-Affordable Care Act. For my colleague to criticize the Republican majority for coming forward with a budget that includes a plan to save Medicare and Medicaid, legacy programs, programs that our seniors and our poor are so dependent on, for us to have a plan to save that and for the gentleman from the other side of the aisle to criticize that, I would ask him if he were still in the Chamber, and I ask all of my colleagues on the Democratic side of the aisle: What is your plan? What is your plan to save the Medicaid program? What is your plan to save the Medicare program? How many different studies do we need from how many different commissions over how many years before we accept the plain, hard, cold truth that the hospital trust fund and Medicare program will be insolvent at the very latest by the year 2024 and by the earliest at the year 2016 as estimated by the Medicare actuaries?

Nobody denies that. But what are my Democratic friends doing about it? Mr. Speaker, they're doing two things. They're whistling past the graveyard and they're enacting IPAB, the Independent Payment Advisory Board.

Colleagues, you've heard it all evening as we've discussed the repeal of IPAB and H.R. 5, the HEALTH Act. IPAB is 15 unelected bureaucrats—unelected but appointed by the President, this President—at a salary of $176,000 a year for a 6-year term, renewable for another 6. So we're stuck with them for 12 years and that fat salary and benefit package so they can say, We're going to save Medicare by cutting reimbursement to health care providers and prescription drug companies. We can't change the age of Medicare eligibility. We can't increase the annual deductible or copay. No, we can't do anything, any of those things. We can only cut provider reimbursement. Oh, but there's no rationing. It says there in that section regarding IPAB that no rationing will occur.

Well, give me a break. If you cut reimbursement to providers and they stop providing the care, then the senior does not get that knee replacement and does not get that stent put in. You can spell it any way you want to, but, Mr. Speaker, that's rationing. That's rationing. And the American people don't want that. Our seniors don't want that. That's no compassion.

You can provide all these preventive services you want to that Mr. PALLONE was speaking about, and that's fine if you can afford to do it. But to suggest that that saves money, it might save an individual life, and that's a wonderful thing, but don't stand up here and tell me and tell my colleagues on both sides of the aisle that preventive services save money. No economist, no health economist would agree with that. It doesn't save money. It costs money. And every time you add another ''free'' preventive service to a program, it's going to increase the health insurance premiums for everybody else. These are called mandates.

The gentleman from New Jersey talked about direct access without prior approval, whether it's to see your OB–GYN doctor, your dermatologist, or your general surgeon without having to go through a gatekeeper. I understand that. I practiced medicine 31 years. I think my colleagues know that. I understand that. But these things definitely cost money. They don't save money. I think it's important for people to understand that.

He talked about the wonderful things that have already occurred under ObamaCare, allowing adult children—I realize that's a bit of an oxymoron, but I've got four of those oxymorons—to allow adult children to stay on their parents' health insurance policy until they're 26 years old without regard to whether or not they're students.

Now, the prior policy of most health insurance companies, if you were over 21 years old, maybe in the third or fourth year of college, then you were no longer eligible to be covered under your parents' health insurance policy.

The expectation, of course, is that you would have a job. Well, the reason it's so important now to have them covered up to age 26 on their parents' health insurance policy is because they have no jobs. And that's the thing that this administration and this—now, at least in the House of Representatives—Democratic minority, they just don't seem to understand that what the American people care about first and foremost is a job. They want health insurance, of course they do. If they have to, they'll pay for it out of their own pocket. But they've got to have a job first. They've got to put food on the table. They've got to put clothing on the backs of their children. They have to have the pride, dignity, and respect of having a job.

As we go into these elections this fall, and all 435 of us in this body and 100—well, in fact, I guess it's one-third of the other body stand for reelection and we elect a 45th—and, indeed, I think we will elect a 45th and not reelect the 44th—President of the United States, it's going to be based on jobs and the economy. That's the thing that this President, since he took office in January of 2009, has just totally missed the point of. And really, it started in January of 2007 with the Democratic majority in this Chamber when we spent another 2 years wasting time, fiddling while Rome was burning, trying to force and cram down the throats of the American people this cap-and-trade regime which would have cost every family $2,500 a year in increased utility costs. Thank goodness the other body stopped that, because the American people didn't want it.

And they don't want national health care. That's why we voted in this body, H.R. 2, to repeal ObamaCare. And that repeal passed in the House of Representatives. We finally had a vote in the Senate. We couldn't get them to pass a budget. They haven't done that in 3 years. But after about a year and a half, we finally got them to vote on repeal of ObamaCare. The Democratic majority rejected that.

So, Mr. Speaker, now we're dealing with plan B, and plan B is to chip away at the most egregious aspects of ObamaCare. It would be a mistake for us to assume the Supreme Court will strike down that individual mandate and will strike down that Medicaid expansion, that unfunded mandate, a $12 billion burden placed on the budgets of our respective States. I think they will strike it down, but I'm not going to stand here in this Chamber holding my breath waiting for that to happen. That would be irresponsible. That would not be representing the people of the 11th of Georgia the way they deserve to be represented.

□ 2140

So, we are going to fight. That's what this is all about today and the vote tomorrow in regard to repealing IPAB, this Independent Payment Advisory Board that literally takes legislative responsibility away from the Congress. Talk about unconstitutional; clearly, that is unconstitutional.

We're going to vote it down tomorrow. And we're going to send that to the Senate, and I expect HARRY REID and the Democratic majority to do the responsible thing. They don't like it either. They don't like it either. Let's don't make an election issue out of it. Let's just do the right thing for the American people.

Mr. Speaker, it's been a long day. We have had a lot of discussion on the floor of the House of Representatives, a lot of eloquence on both sides of the aisle. I feel very strongly that we should respect one another, and I think we do. This is not personal, but when you feel that you have the right idea, it's your responsibility to stand strong, not to pander to anybody, but to stand strong and do the right thing, do the right thing for the American people.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Ms. PELOSI) for today and March 22.

Mr. BACHUS (at the request of Mr. CANTOR) for today and the balance of the week on account of minor throat surgery.

ADJOURNMENT

Mr. GINGREY of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 42 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, March 22, 2012, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5343. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Dairy Product Mandatory Reporting [Doc. #: AMS-DA-10-0089; DA-11-01] (RIN: 0581-AD12) received February 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5344. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 1 (Scotch) and Class 3 (Native) Spearmint Oil for the 2011-2012 Marketing Year [Doc. Nos.: AMS-FV-10-0094; FV11-985-1A FIR] received February 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5345. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — National Organic Program (NOP); Amendments to the National List of Allowed and Prohibited Substances (Crops and Processing) [Document Number: AMS-NOP-10-0079; NOP-09-02FR] (RIN: 0581-AD06) received February 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5346. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Revision of Cotton Futures Classification Procedures [Doc. #: AMS-CN-10-0073; CN-10-005] (RIN: 0581-AD16) received February 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5347. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement (DFARS Case 2012-D024) (RIN: 0750-AH59) received February 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5348. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement (DFARS Case 2012-D026) (RIN: 0750-AH60) received February 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5349. A letter from the Acting Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Richard P. Zahner, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

5350. A letter from the Acting Under Secretary, Department of Defense, transmitting authorization of Colonels Christopher P. Hughes and Paul A. Ostrowski, United States Army, to wear the insignia of the grade of brigadier general; to the Committee on Armed Services.

5351. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to the Kingdom of Morocco pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

5352. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Test Procedure for Commercial Refrigeration Equipment [Docket No.: EERE-2010-BT-TP-0034] (RIN: 1904-AC40) received February 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5353. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5354. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5355. A letter from the Associate Administrator for Legislative and Intergovernmental Affairs, National Aeronautics and Space Administration, transmitting FY 2011 Annual Report Regarding NASA's Equal Employment Opportunity and Whistleblower Protection Act Complaints Activity; to the Committee on Oversight and Government Reform.

5356. A letter from the General Counsel and Acting Executive Director, Election Assistance Commission, transmitting Fiscal Year 2011 Activities Report; to the Committee on House Administration.

5357. A letter from the United States Trade Representative, Executive Office of the President, transmitting the 2012 Trade Policy Agenda and the 2011 Annual Report on the Trade Agreements Program as prepared by the Administration; to the Committee on Ways and Means.

5358. A letter from the Chief, Trade and Commercial Regulations Branch, Department of the Treasury, transmitting the Department's final rule — Duty-Free Treatment of Certain Visual and Auditory Materials [USCBP-2011-0030] (RIN: 1515-AD75) received February 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5359. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Source of Income from Qualified Fails Charges [TD 9579] (RIN: 1545-BJ78) received February 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5360. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Extension of Time to File an Estate Tax Return Solely to Elect Portability of a Deceased Spousal Unused Exclusion Amount [Notice 2012-21] received February 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5361. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rewards and Awards for Information Relating to Violations of Internal Revenue Laws [TD 9580] (RIN: 1545-BJ89) received February 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5362. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Group Health Plans and Health Insurance Issuers Relating to Coverage of Preventive Services Under the Patient Protection and Affordable Care Act [TD 9578] (RIN: 1545-BJ60) received February 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5363. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Revenue Procedure: United States and Area Median Gross Income Figures (Rev. Proc. 2012-16) received March 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5364. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Applicable Federal Rates — March 2012 (Rev. Rul. 2012-9) received March 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5365. A letter from the Director, Office of Regulations, Social Security Administration, transmitting the Administration's final rule — Protecting the Public and our Employees in our Hearing Process [Docket No.: SSA-2011-0008] (RIN: 0690-AH29) received February 21, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5366. A letter from the Director, Office of Regulations, Social Security Administration, transmitting the Administration's final rule — How We Collect and Consider Evidence of Disability [Docket No.: SSA 2010-0044] (RIN: 0960-AG89) received February 12, 2012, 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. SMITH of Texas Committee on the Judiciary. H.R. 4119. A bill to reduce the trafficking of drugs and to prevent human smuggling across the Southwest Border by deterring the construction and use of border tunnels (Rept. 112–418, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committees on Ways and Means and Homeland Security discharged from further consideration. H.R. 4119 referred to the Committee of the Whole House on the state of the Union.

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. CANTOR:

H.R. 9. A bill to amend the Internal Revenue Code of 1986 to provide a deduction for domestic business income of qualified small businesses; to the Committee on Ways and Means.

By Mr. BISHOP of New York (for himself, Mr. RAHALL, Mr. DEFAZIO, Ms. BROWN of Florida, Mr. ACKERMAN, Mr. RANGEL, Mr. FILNER, Mr. SIRES, Ms. RICHARDSON, Mr. CUMMINGS, Ms. NORTON, Mr. RUPPERSBERGER, Mr. LARSEN of Washington, Mr. WELCH, Mr. HOLDEN, Mrs. NAPOLITANO, Ms. HIRONO, Mr. HOLT, Mr. VAN HOLLEN, Ms. EDWARDS, Mr. BOSWELL, Ms. HAHN, Mr. THOMPSON of California, Mr. ISRAEL, Mr. HIGGINS, Mr. CICILLINE, Ms. WILSON of Florida, Mr. RICHMOND, Ms. MOORE, Mr. MORAN, Mr. BLUMENAUER, Ms. SPEIER, Mr. OWENS, Mr. JACKSON of Illinois, Mr. DOYLE, Ms. LINDA T. SÁNCHEZ of California, Mr. LEWIS of Georgia, Mr. LARSON of Connecticut, Mr. BERMAN, Mr. CONNOLLY of Virginia, Mr. LIPINSKI, Ms. TSONGAS, Mr. MICHAUD, Mr. PRICE of North Carolina, Mr. LANGEVIN, Mr. ALTMIRE, Mr. CLAY, Mr. MCNERNEY, Mr. WALZ of Minnesota, Mr. HONDA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CROWLEY, Mrs. LOWEY, Ms. DEGETTE, Mr. TOWNS, Mr. COURTNEY, Mr. QUIGLEY, Mr. STARK, Mr. CARNAHAN, Mr. SMITH of Washington, Ms. MCCOLLUM, Ms. SLAUGHTER, Ms. ZOE LOFGREN of California, Mr. THOMPSON of Mississippi, Mr. HOYER, Mr. LUJÁN, Ms. ROYBAL-ALLARD, Mr. MCGOVERN, Mr. SHERMAN, Ms. SCHWARTZ, Ms. CLARKE of New York, Mr. CLARKE of Michigan, Mr. ANDREWS, Mr. COSTELLO, Ms. VELÁZQUEZ, Mr. CONYERS, Mr. TONKO, Mr. GARAMENDI, Mr. SCOTT of Virginia, Mr. FALEOMAVAEGA, Mr. COSTA, Ms. DELAURO, Mr. COHEN, Mr. LYNCH, Mr. RUSH, Ms. PINGREE of Maine, Mr. WAXMAN, Mr. SHULER, Ms. WASSERMAN SCHULTZ, Ms. CHU, Mr. CHANDLER, Mr. CRITZ, and Mr. GEORGE MILLER of California):

H.R. 14. A bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, Natural Resources, Energy and Commerce, Agriculture, Science, Space, and Technology, the Budget, Oversight and Government Reform, Financial Services, Education and the Workforce, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCAUL (for himself and Mr. KING of New York):

H.R. 4228. A bill to direct the Secretary of State to designate Iran's Islamic Revolutionary Guard Corps Qods Force as a foreign terrorist organization, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERMAN (for himself, Ms. ROS-LEHTINEN, Mr. ACKERMAN, Mr. CHABOT, Mr. CICILLINE, and Ms. BUERKLE):

H.R. 4229. A bill to authorize further assistance to Israel for the Iron Dome anti-missile defense system; to the Committee on Foreign Affairs.

By Mr. MCKINLEY (for himself and Mr. WELCH):

H.R. 4230. A bill to provide for the establishment of a Home Energy Savings Retrofit Rebate Program, and for other purposes; 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. YARMUTH (for himself, Mr. CONNOLLY of Virginia, Mr. CONYERS, Mr. STARK, Mr. JACKSON of Illinois, Mr. RANGEL, Ms. HAHN, Mr. RYAN of Ohio, Mr. SCHIFF, Mr. FILNER, Mr. VAN HOLLEN, Mr. CARSON of Indiana, Mr. MCNERNEY, and Ms. CHU):

H.R. 4231. A bill to amend the Internal Revenue Code of 1986 to repeal certain tax breaks for gas and oil companies and to refund the revenue savings to registered vehicle owners; to the Committee on Ways and Means.

By Mr. TURNER of Ohio (for himself, Mr. RYAN of Ohio, and Mr. BURTON of Indiana):

H.R. 4232. A bill to amend section 552 of title 5, United States Code (popularly referred to as the Freedom of Information Act), to provide that the exemptions to that section shall not apply to matters relating to certain transactions executed by an instrumentality of the Federal Government operating in a commercial manner; to the Committee on Oversight and Government Reform.

By Mr. LAMBORN:

H.R. 4233. A bill to establish the National Geospatial Technology Administration within the United States Geological Survey to enhance the use of geospatial data, products, technology, and services, to increase the economy and efficiency of Federal geospatial activities, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Oversight and Government Reform, Science, Space, and Technology, and Agriculture, 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. LABRADOR (for himself, Mr. BISHOP of Utah, Mr. COSTA, Mr.

GOSAR, Mr. HARRIS, Mrs. LUMMIS, Mrs. NOEM, Mr. REHBERG, Mrs. MCMORRIS RODGERS, Mr. SIMPSON, and Mr. WALDEN):

H.R. 4234. A bill to amend the Federal Land Policy and Management Act of 1976 to improve the management of grazing leases and permits, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, 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. DOLD (for himself and Ms. MOORE):

H.R. 4235. A bill to amend the Securities Exchange Act of 1934 and the Commodity Exchange Act to repeal the indemnification requirements for regulatory authorities to obtain access to swap data required to be provided by swaps entities under such Acts; to the Committee on Agriculture, 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. BRALEY of Iowa:

H.R. 4236. A bill to withhold funds if a motorist illegally passes a stopped school bus; to the Committee on Transportation and Infrastructure.

By Mr. FLEISCHMANN:

H.R. 4237. A bill to strengthen employee cost savings suggestions programs within the Federal Government; to the Committee on Oversight and Government Reform.

By Mr. PASCRELL (for himself and Mr. PLATTS):

H.R. 4238. A bill to amend the Public Health Service Act to reauthorize certain programs for individuals with traumatic brain injury, and for other purposes; to the Committee on Energy and Commerce.

By Mr. YARMUTH (for himself, Mr. GRIJALVA, and Ms. SLAUGHTER):

H. Res. 593. A resolution supporting the goals and ideals of ''National Safe Place Week''; to the Committee on Education and the Workforce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

182. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 173 memorializing Congress to extend the Chemical Facility Anti-Terrorism Standards (CFATS) program; to the Committee on Energy and Commerce.

183. Also, a memorial of the House of Representatives of the State of Iowa, relative to House Resolution No. 107 urging the Department of Labor to withdraw the proposed regulations for agricultural child labor; to the Committee on Education and the Workforce.

184. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 185 memorializing Congress to enact the Respect for Rights of Conscience Act of 2011; to the Committee on Energy and Commerce.

185. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 97 memorializing the Congress to enact legislation to ensure that amounts credited to the Harbor Maintenance Trust Fund are used solely for the dredging, infrastructure, operation, and maintenance of federally-authorized ports, harbors, and waterways; jointly to the Committees on Transportation and Infrastructure and Rules.

186. Also, a memorial of the Senate of the State of Oregon, relative to Senate Memorial 201 requesting that the Congress reintroduce and pass the Trade Reform, Accountability, Development and Employment (TRADE) Act of 2009; jointly to the Committees on Ways and Means and Rules.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. CANTOR:

H.R. 9.

Congress has the power to enact this legislation pursuant to the following:

Amendment XVI to the Constitution regarding the power to lay and collect taxes on incomes.

By Mr. BISHOP of New York:

H.R. 14.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 1, 3, 7, and 18

By Mr. MCCAUL:

H.R. 4228.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. BERMAN:

H.R. 4229.

Congress has the power to enact this legislation pursuant to the following:

the authority delineated in Article I section I, which includes an implied power for the Congress to regulate the conduct of the United States with respect to foreign affairs.

By Mr. MCKINLEY:

H.R. 4230.

Congress has the power to enact this legislation pursuant to the following:

According to Article I, Section 8, Clause 3 of the Constitution: The Congress shall have power to enact this legislation to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

By Mr. YARMUTH:

H.R. 4231.

Congress has the power to enact this legislation pursuant to the following:

Section 8 of Article 1 of the Constitution.

By Mr. TURNER of Ohio:

H.R. 4232.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 3 and 18 of the United States Constitution

By Mr. LAMBORN:

H.R. 4233.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3—

Article IV—The States

Section 3—New States

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

By Mr. LABRADOR:

H.R. 4234.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Sec. 3, Clause 2: ''The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.''

By Mr. DOLD:

H.R. 4235.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, clause 3, which provides Congress the power to ''regulate commerce with foreign Nations and among the several States.''

By Mr. BRALEY of Iowa:

H.R. 4236.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. FLEISCHMANN:

H.R. 4237.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clauses 1 & 18.

By Mr. PASCRELL:

H.R. 4238.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Article I, Section 8, Clause 3 of the United States Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. WAXMAN.
H.R. 121: Mr. FINCHER.
H.R. 157: Mr. GUTHRIE and Mr. LANGEVIN.
H.R. 196: Mr. KUCINICH and Mr. COHEN.
H.R. 365: Mr. JOHNSON of Ohio.
H.R. 721: Mr. GINGREY of Georgia.
H.R. 895: Mr. MCCOTTER.
H.R. 964: Mrs. CAPPS.
H.R. 997: Mrs. HARTZLER and Mr. GRAVES of Missouri.
H.R. 1017: Mr. VAN HOLLEN.
H.R. 1063: Mr. PETRI.
H.R. 1089: Mr. RANGEL.
H.R. 1284: Ms. CLARKE of New York.
H.R. 1339: Mr. THORNBERRY, Mr. LOBIONDO, Mr. TURNER of Ohio, Mr. KLINE, Mr. PLATTS, Ms. LORETTA SANCHEZ of California, Mr. COOPER, Ms. PINGREE of Maine, Mr. HEINRICH, Mr. OWENS, Mr. LOEBSACK, Mr. RUPPERSBERGER, Mr. KISSELL, Ms. HANABUSA, and Ms. HOCHUL.
H.R. 1386: Mr. ROSS of Arkansas.
H.R. 1410: Mr. GENE GREEN of Texas.
H.R. 1418: Ms. BASS of California, Mr. HECK, and Mr. HUIZENGA of Michigan.
H.R. 1513: Mrs. CHRISTENSEN and Mr. ENGEL.
H.R. 1581: Mr. PETERSON.
H.R. 1653: Mr. THORNBERRY and Mr. NEAL.
H.R. 1739: Mr. BARLETTA.
H.R. 1748: Mrs. CAPPS.
H.R. 1789: Mr. JOHNSON of Ohio.
H.R. 1821: Ms. BONAMICI, Mr. BOSWELL, and Mr. CHANDLER.
H.R. 1956: Mr. SCHWEIKERT.
H.R. 2020: Mr. BISHOP of New York.
H.R. 2104: Ms. ESHOO, Mr. FILNER, and Mr. ROTHMAN of New Jersey.
H.R. 2106: Mrs. MILLER of Michigan.
H.R. 2179: Ms. NORTON, Mr. BOSWELL, and Mr. RUSH.
H.R. 2252: Mr. MANZULLO.
H.R. 2311: Mr. KILDEE.
H.R. 2697: Mr. BERG.
H.R. 2706: Mr. RIVERA.
H.R. 2717: Mr. LATOURETTE and Mrs. MYRICK.
H.R. 2738: Mrs. LOWEY.
H.R. 2765: Mr. GALLEGLY.
H.R. 2787: Mrs. MALONEY.
H.R. 2827: Mr. OWENS and Mr. HOLT.
H.R. 2834: Mr. CANSECO.

H.R. 2981: Mr. RANGEL and Mr. ELLISON.
H.R. 3046: Ms. BALDWIN.
H.R. 3059: Mr. SULLIVAN, Mr. WESTMORELAND, and Mr. LARSON of Connecticut.
H.R. 3135: Mr. POMPEO and Mr. LAMBORN.
H.R. 3145: Ms. JACKSON LEE of Texas.
H.R. 3187: Ms. ZOE LOFGREN of California.
H.R. 3200: Mrs. LOWEY.
H.R. 3264: Mr. JORDAN.
H.R. 3269: Ms. CASTOR of Florida and Mr. COFFMAN of Colorado.
H.R. 3283: Mr. DAVID SCOTT of Georgia.
H.R. 3307: Mr. PLATTS.
H.R. 3308: Mr. MULVANEY.
H.R. 3316: Mr. COHEN.
H.R. 3364: Mr. HECK, Mr. SCHIFF, Mr. LEWIS of Georgia, Mr. ROHRABACHER, Mr. SIRES, Mr. COURTNEY, and Mr. DEFAZIO.
H.R. 3444: Mr. MURPHY of Pennsylvania.
H.R. 3461: Mr. SIMPSON, Mr. ROTHMAN of New Jersey, Mr. SIRES, Mr. WITTMAN, Mr. HANNA, and Mr. LANDRY.
H.R. 3485: Ms. BONAMICI.
H.R. 3510: Ms. JACKSON LEE of Texas.
H.R. 3591: Mr. TOWNS and Ms. ZOE LOFGREN of California.
H.R. 3596: Ms. FUDGE, Mr. RUNYAN, Ms. HANABUSA, Mr. DEUTCH, Mr. HASTINGS of Florida, Ms. BALDWIN, Mr. ANDREWS, and Mr. BRADY of Pennsylvania.
H.R. 3608: Mrs. HARTZLER.
H.R. 3643: Mr. FITZPATRICK and Mr. ROONEY.
H.R. 3658: Mrs. MALONEY, Ms. WOOLSEY, Ms. BORDALLO, Mr. GEORGE MILLER of California, Ms. PINGREE of Maine, Mr. GRIJALVA, Mr. KEATING, Ms. MCCOLLUM, Mr. GUTIERREZ, Mr. RANGEL, Mr. BISHOP of Georgia, Mr. MORAN, and Mr. ELLISON.
H.R. 3707: Mr. MULVANEY.
H.R. 3766: Mr. DENT.
H.R. 3767: Ms. NORTON, Mr. RYAN of Ohio, and Mr. RUSH.
H.R. 3798: Mr. MCDERMOTT, Mr. KUCINICH, and Ms. LEE of California.
H.R. 3803: Mr. HARPER, Mr. FLEISCHMANN, Mr. SIMPSON, Mr. FLORES, Mr. CAMPBELL, Mr. GINGREY of Georgia, Mr. SMITH of Nebraska, and Mr. YOUNG of Indiana.
H.R. 3821: Ms. JACKSON LEE of Texas.
H.R. 3826: Mr. TIERNEY, Ms. SCHWARTZ, and Mr. MICHAUD.
H.R. 3839: Mr. BOSWELL.
H.R. 3849: Mr. RENACCI, Mr. THOMPSON of Mississippi, and Mr. HARPER.
H.R. 3878: Mr. WALDEN.
H.R. 3883: Mr. LANDRY.
H.R. 3897: Mr. LANKFORD.
H.R. 3974: Mrs. NAPOLITANO.
H.R. 3993: Mr. ROTHMAN of New Jersey, Mr. CLARKE of Michigan, Mr. CAMPBELL, and Mr. CARNAHAN.
H.R. 3994: Mr. MANZULLO.
H.R. 4036: Mr. CHABOT and Mr. MULVANEY.
H.R. 4040: Ms. BALDWIN, Mr. BARTLETT, Ms. BASS of California, Mr. BERG, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BLUMENAUER, Mr. BROOKS, Mr. CARNAHAN, Mr. CASSIDY, Ms. CLARKE of New York, Mr. CONAWAY, Mr. CONNOLLY of Virginia, Mr. CUMMINGS, Mr. DUNCAN of South Carolina, Ms. EDWARDS, Mrs. EMERSON, Mr. ENGEL, Mr. FATTAH, Mr. FILNER, Mr. FORBES, Ms. FUDGE, Mr. GINGREY of Georgia, Mr. GRIFFITH of Virginia, Mr. GUINTA, Ms. HANABUSA, Mr. HINOJOSA, Mr. HOLT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KILDEE, Mrs. LOWEY, Mr. MCCOTTER, Mr. MCINTYRE, Mr. GEORGE MILLER of California, Mr. QUIGLEY, Mr. REED, Mr. ROGERS of Michigan, Mr. RUPPERSBERGER, Ms. SCHAKOWSKY, Mr. AUSTIN SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. SENSENBRENNER, Mr. SMITH of Nebraska, Mr. STUTZMAN, Ms. SUTTON, Ms. WILSON of Florida, Mr. WITTMAN, Mr. WOMACK, Ms. WOOLSEY, Mr. BILIRAKIS, Mr. GOODLATTE, Mr. HANNA, Mr. KING of New York, Mr. LANGEVIN, Mr. NADLER, Mr. PALLONE, Ms. RICHARDSON, Mr. RIVERA, Mr. RUSH, Mr. SARBANES, Ms. SCHWARTZ, Mr. STARK, Mr. STEARNS, and Mr. WELCH.
H.R. 4066: Mr. BLUMENAUER.
H.R. 4070: Mr. SCOTT of South Carolina.
H.R. 4077: Mr. REYES and Mr. ROSS of Florida.
H.R. 4115: Mr. JOHNSON of Ohio, Mr. SCOTT of South Carolina, and Mr. WITTMAN.
H.R. 4124: Mr. HANNA.
H.R. 4133: Mrs. BACHMANN, Mr. BUCHANAN, Mr. RUNYAN, Mr. PLATTS, Mr. GARDNER, Mr. PEARCE, Mr. MURPHY of Pennsylvania, Mr. SCHILLING, Mr. BURGESS, Mr. BISHOP of New York, Mr. COURTNEY, Mr. CROWLEY, Mr. CUELLAR, Mrs. DAVIS of California, Mr. ISRAEL, Ms. JACKSON LEE of Texas, Mrs. LOWEY, Mr. MCINTYRE, Mr. RUPPERSBERGER, Ms. LINDA T. SÁNCHEZ of California, Mr. DAVID SCOTT of Georgia, Mr. SHULER, Mr. THOMPSON of Mississippi, Mr. WALZ of Minnesota, Ms. SEWELL, Mr. TIPTON, Mr. LONG, Mr. BARLETTA, Mr. HUIZENGA of Michigan, Mr. SMITH of New Jersey, Mr. BROOKS, Mr. POMPEO, Mr. BERG, Mrs. HARTZLER, Mr. ROSKAM, and Mr. PRICE of Georgia.
H.R. 4134: Mr. COBLE and Mr. MARINO.
H.R. 4174: Mr. MCINTYRE and Mr. COBLE.
H.R. 4178: Mrs. MYRICK.
H.R. 4197: Ms. WASSERMAN SCHULTZ and Mr. DEUTCH.
H.R. 4206: Mr. TIPTON.
H.J. Res. 103: Mr. BACHUS and Mr. SENSENBRENNER.
H. Con. Res. 87: Mr. HANNA and Mr. KING of New York.
H. Res. 177: Mr. KEATING.
H. Res. 351: Mr. VAN HOLLEN, Mr. RANGEL, Mr. ROTHMAN of New Jersey, and Mr. CARDOZA.
H. Res. 526: Mr. DEUTCH.
H. Res. 560: Mrs. LOWEY.
H. Res. 568: Mr. GARY G. MILLER of California, Mr. PLATTS, Mr. PAULSEN, Mr. TIBERI, Mr. BACA, Mr. GARDNER, Mr. MCCLINTOCK, Mr. PEARCE, Mr. MURPHY of Pennsylvania, Mr. LATHAM, Mrs. MILLER of Michigan, Mr. MARINO, Ms. BROWN of Florida, Mr. THORNBERRY, Mr. TIPTON, Mr. LONG, Mr. BARLETTA, Mr. HUIZENGA of Michigan, Mr. COSTA, Mr. BARTON of Texas, Mr. FORBES, Mr. TERRY, Mr. RUPPERSBERGER, Mr. CASSIDY, Mr. ROSKAM, Mr. HULTGREN, Mr. QUIGLEY, Mr. CULBERSON, Mr. LUETKEMEYER, Mr. BILIRAKIS, Mr. LEWIS of California, Mr. HECK, Mr. MCCOTTER, Mrs. DAVIS of California, Mr. BARROW, Mr. POMPEO, Mr. FLEMING, Mr. BROOKS, Mr. SMITH of New Jersey, Mr. CROWLEY, Mr. MICHAUD, Mr. ISRAEL, Mr. BUCHANAN, Mr. YODER, and Mr. WESTMORELAND.
H. Res. 583: Ms. SCHAKOWSKY, Mr. CARNAHAN, Mr. GRIFFIN of Arkansas, and Mr. CARTER.

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.R. 3359: Mr. CLAY.
H.R. 3697: Mr. BUCSHON.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

38. The SPEAKER presented a petition of The Legislature of Rockland County, New York, relative to Resolution No. 59 of 2012 urging the Congress to pass H.R. 1084 and S. 587; to the Committee on Energy and Commerce.

39. Also, a petition of the Council of the City of New York, New York, relative to Resolution No. 892 urging the Congress to pass and the President to sign H.R. 873 and S. 453; jointly to the Committees on Transportation and Infrastructure and Energy and Commerce.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158 WASHINGTON, WEDNESDAY, MARCH 21, 2012 No. 47

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, who loves us without ceasing, we turn our thoughts toward You. Remain with our Senators today so that for no single instance they will be unaware of Your providential power.

We thank You for Your infinite love that permits us to make mistakes yet still grow in grace and a knowledge of You. Lord, save us from any evil course or idle path that leads away from Your will. Today, we pray for the President of the United States and for the leaders in every land. Help them to bear their responsibilities with honor, and, Lord, today we also thank You for the amazing career of Senator BARBARA MIKULSKI.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND 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. INOUYE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 21, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks the Senate will be in a period of morning business for 1 hour, with the majority controlling the first half and the Republicans controlling the final half.

Following morning business the Senate will resume consideration of the capital formation bill. At approximately 10:40 this morning, there will be a cloture vote on the IPO bill.

RESERVATION OF LEADER TIME

Mr. REID. Will the Chair announce the business of the day.

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the minority controlling the final half.

The Senator from Illinois.

AFFORDABLE HEALTH CARE ACT

Mr. DURBIN. Madam President, there has been a lot of discussion about the affordable health care act passed by Congress. In fact, just next week, across the street, the Supreme Court will take up this bill and decide whether it is constitutional. It is an important decision. It is one that will affect millions of Americans, and scarcely anyone understands the impact of this law and what it means to their daily lives.

The first aspect I wish to speak about is the most controversial aspect of it, the so-called individual mandate. What is it? From my point of view, it is a basic method of saying to everyone in America: You have a personal responsibility. You cannot say you are just not going to buy any health insurance; that you don't think you are ever going to need it and are not going to worry about it.

The problem is, of course, those people who make that statement get sick. Some of them get involved in accidents. Some go to a doctor and are diagnosed with terrible illnesses and diseases that require treatment and surgery, and that costs a lot of money. The uninsured people show up at hospitals. They are not pushed away; they are invited in. They receive the treatment. Then they can't pay for it.

It turns out that 63 percent of the medical care given to uninsured people in America isn't paid for—not by them. It turns out the rest of us pay for it. Everyone else in America who has health insurance has to pick up the cost for those who did not accept their personal responsibility to buy health insurance.

So, so what? What difference does that make? It makes a difference. It adds $1,000 a year to our health insurance program. In other words, you and me and everyone with health insurance is subsidizing those people who say: Don't mandate anything on me. Don't tell me I have a personal responsibility. But when I get sick, you can pay

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

for it. That is what the individual mandate comes down to.

I listen to those who say, well, this is just too darn much government to say that people who can afford it need to have health insurance. Keep in mind, this health care bill says if people cannot afford it—if they are too poor or their income is limited—there is a helping hand, not only in the Tax Code but even through Medicaid to make sure they have affordable health care insurance which will never cost them more than 8 percent of their income. A lot of American families would jump at health insurance that would only cost 8 percent of their income. But the law says people have to be willing to pay up to 8 percent of their income to have health insurance. The reason, of course, is if they don't pay, everyone else pays. If they get sick, they cost us $116 billion a year in uncompensated health care coverage paid for those who do not accept their personal responsibility to buy health insurance.

Ruth Marcus has an article in this morning's Washington Post, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 20, 2012]

116 BILLION REASONS TO BE FOR THE INDIVIDUAL MANDATE

(By Ruth Marcus)

The most compelling sentences in the Obama administration's brief defending the constitutionality of the health-care law come early on. ''As a class,'' the brief advises on Page 7, ''the uninsured consumed $116 billion of health-care services in 2008.''

On the next page, the brief drives the point home: ''In 2008, people without insurance did not pay for 63 percent of their health-care costs.''

Those figures amount to a powerful refutation of the argument that the individual mandate—the requirement that individuals obtain insurance or pay a penalty—exceeds the government's authority to regulate interstate commerce. To me, $116 billion seems like a whole lot of commerce.

But let's leave the Supreme Court justices to hack their way through the underbrush of the Commerce Clause. Because those numbers are not only relevant to Commerce Clause jurisprudence, they illuminate the fundamental irrationality of public opposition to the individual mandate.

The mandate is by far the most unpopular feature of a law on which Americans are otherwise evenly divided. A Kaiser Family Foundation poll this month found that two-thirds of those surveyed disliked the mandate. Even among Democrats, a majority (53 percent) opposed the requirement; independents (66 percent) and Republicans (77 percent) were even more hostile.

Yet this is a provision that the overwhelming majority—those with insurance—should support, for the simple reason that these people currently end up footing the bill for much of that $116 billion.

As the government's brief notes, ''Congress found that this cost-shifting increases the average premium for insured families by more than $1,000 per year.''

In other words, those worried about having to pay ever-higher premiums should be clamoring for the individual mandate, not agitating for repeal.

Indeed, for all the bristling over the mandate, it will be irrelevant to the 80 percent of non-elderly Americans who already have insurance, either through their employers, government programs, or purchased on their own.

The biggest real-world risk to these people would be if the court were to overturn the mandate yet allow the rest of the health-care law to remain in place, driving premiums ever upward.

Amazingly, Republicans have managed to transform the mandate from an exemplar of personal responsibility into the biggest public policy bogeyman of all time.

The irony of the fight over the mandate is that President Obama was against it before he was for it. During the 2008 campaign, one of the signature differences between Obama and Hillary Clinton was that Clinton's health plan included an individual mandate whereas Obama's mandate covered only children.

Once elected, Obama quickly recognized the inescapable truth: An individual mandate was essential to make the plan work. Without that larger pool of premium-payers, there is no feasible way to require insurance companies to cover all applicants and charge the same amount, regardless of their heath status.

In part, hostility to the mandate reflects a broader uneasiness with the perceived encroachment of big government.

In the Kaiser poll, 30 percent of those who opposed the mandate cited government overreach as the biggest reason. Not surprisingly, twice as many Republicans (40 percent) cited that reason as did Democrats (18 percent).

But opposition to the mandate also stems from the public's failure to understand—or, alternatively, the administration's failure to communicate—basic facts.

For example, Kaiser found that when people were told that most Americans ''would automatically satisfy the requirement because they already have coverage through their employers,'' favorability toward the mandate nearly doubled, to 61 percent.

Favorable attitudes rose to nearly half when people were told that without the mandate, insurance companies would still be allowed to deny coverage to those who are sick; that without the mandate people would wait until they were sick to purchase insurance, driving up premium costs; or that those unable to afford coverage are exempt.

''People don't understand how the mandate works at all and they don't understand why it's there,'' Kaiser's polling director, Mollyann Brodie, told me.

Brodie suspects that it's too late to change minds. ''This law as a whole has really become a symbolic issue to people and they really aren't open to information,'' she said.

Maybe, but the administration must keep trying—not only to sell the law's goodies but to explain how the mandate makes them possible. Otherwise, they could end up winning the minds of the justices, yet losing the hearts of the people whose votes they need to keep the law in place.

Mr. DURBIN. Madam President, this article spells it out. This issue of an individual mandate is an issue of personal responsibility. If you believe someone should be able to walk away from their responsibility to have health coverage they can afford and that their medical bills should be your family's responsibility, then cheer on all these folks who are saying we are going to repeal ObamaCare. That is what it boils down to. Do you want to pay their bills? I don't think we should have to. I think everyone in this country should accept that responsibility.

There are some other aspects of the affordable health care act which we don't hear talked about from those who are calling for its repeal. Let me tell my colleagues one. Do you have a child graduating from college, looking for a job? I have been in that circumstance. My wife and I raised three children. Some of them found a job, but it took a little while. While they were looking for a job, did you ever say to your son or daughter fresh out of college: How about health insurance. They probably said to you: Sorry, Mom; sorry, Dad. I can't do that now. When I get a job, I will get back to it. But I feel just fine. I feel just fine.

It doesn't work that way, and any responsible parent knows it. So we changed the law, and here is what we said: If you have family health insurance, it can cover your son or daughter up to the age of 26. That expanded the reach of health insurance coverage. It covered these young college graduates and young people looking for work so they had that protection even when they were unemployed.

So did it make any difference? Thanks to this provision, 2.5 million young people have gained coverage nationwide, and 102,000-plus in my State of Illinois. That means for 2.5 million parents, some peace of mind, knowing their kids are covered by the family plan. That was part of this bill which many Republican Presidential candidates are saying they want to repeal. Really? Do you want to explain that to 2.5 million families who have the peace of mind that their son or daughter is covered with health insurance up to the age of 26?

How about the seniors paying for their Medicare prescription drug bills. There was this doughnut hole, which means if seniors have prescription drugs covered by Medicare and they are expensive, they will reach a point during the course of a year when they have to go into their savings to pay for about $2,000 worth of prescription drugs before the government comes back and starts helping them again. We started closing that doughnut hole, closing that gap, giving $250 of that $2,000 they have to pay back to people in a rebate initially, and then providing a discount on drugs for seniors. That is part of affordable care. That is part of what the Republicans scream is ObamaCare.

Is it a good idea? Well, just ask 152,000 Medicare recipients in Illinois who have received this rebate to help pay for their prescription drugs. Ask 144,000 seniors in Illinois who have received a 50-percent discount on drug costs, and then ask the millions across America who have benefited. We are giving people on fixed incomes and limited savings a helping hand so they can have the prescription drugs they need to be healthy and strong and safe and independent. Is that what you want to be when you are a senior? Most of us do, and this bill helps.

Third, this bill basically covers preventive services. We all know the story: Get in and see a doctor for a colonoscopy or a mammogram. Early detection and treatment is money saved and lives saved. We extended preventive care under Medicare. For 1.3 million Medicare recipients in Illinois—just in my State, 1.3 million; more in the Presiding Officer's State—they have preventive care now that they didn't have before. It means they are likely to stay healthy longer and cost less to our health care system. This is another aspect they want to repeal, those who are running against the affordable care act, running against the health care bill President Obama has pushed for.

There is also a provision which says insurance companies have to spend 80 percent of the premiums they collect—80 percent—on actual medical care. They can take 20 percent for profits and administrative costs and the like but 80 percent on actual medical care. The State of Minnesota already had that on the books, and it worked. So we said let's do it nationwide so if premiums go up, it is to reimburse health care—not to take out in profits, not to take it out in bonuses, not to spend on an advertising budget for an insurance company. That is a big change. The insurance companies hate it like the devil hates holy water, and the Republican Presidential candidates want to repeal it. I think it is a sensible change to ensure coverage and one that we ought to protect, not prohibit.

There are other provisions in this law as well, but one that affects me personally and has affected, I am sure, thousands of Americans is the question of preexisting conditions. Do you have one? A lot of people do. A lot of people don't even know they have one. Sometimes insurance companies dream them up. They would deny coverage for health insurance if somebody had—get ready—acne, a preexisting condition so no coverage. If there is a history of suicide in a family, they would deny them health care coverage, preexisting condition.

Let me just say to every parent listening: Thank the Lord if your child doesn't have asthma, diabetes, or something more serious because until the affordable care act was passed, that was enough to disqualify your child and maybe your family from health insurance coverage. Oh, they can't wait to repeal that. They say: Let's repeal ObamaCare. Let's get rid of that preexisting condition provision, and let those insurance companies deny coverage.

America, is that what you want? Is that what you are looking for? Is that too much government to say to insurance companies: You can't deny children under the age of 18 health insurance coverage if they are victims of diabetes, if they have had a bout with cancer, if they have asthma? Oh, some of these folks are for the Wild West: Get government out of my life.

I will tell my colleagues this: We know sensible regulation of insurance coverage gives people peace of mind and gives families a chance to know their child with a challenge or a problem is still going to get the very best medical care.

There is something called lifetime limits, which is another change. You go to the doctor, and the doctor says: Well, sorry to tell you, but you have been diagnosed with a form of cancer. We can treat it. It is going to take aggressive chemo, radiation, maybe even surgery. It is going to take some time, and it is going to cost some money, but at the end of the day we are going to save your life, and you are going to live. You are going to live to see your daughter's wedding, and you are going to live to see your grandchildren.

Then you get into it. You say: I am determined, my family is with me. I am going to pray for it and get the right outcome.

Guess what happens. It turns out the cost blows the lid off your health insurance coverage. You had a lifetime limit on how much they would pay, which you never thought you would use until that diagnosis came down. So now we have basically said we are removing lifetime limits on health care. That is part of ObamaCare. That is part of the affordable care act.

So I say to my Republican friends and those running for President: You want to go to the American Cancer Society and enter into a debate with them about whether lifetime limits are the right thing to do? They are going to explain to you thousands and thousands of American examples of why people with lifetime limits end up in a tragic situation where they need more coverage, they need more care. Their lives can be saved, but their health care coverage is cut off. That was the old days. That was before the affordable care act.

So those who want to repeal it stand up and get cheering crowds. In those cheering crowds are cancer patients. They ought to stop and think before they start cheering and know what they are cheering for.

The affordable care act is a sensible, reasonable step in a direction toward containing health care costs and making health care insurance coverage fairer for Americans all across our Nation.

Is it a perfect law? Of course not. As I have said many times, the only perfect law I am aware of was carried down a mountain on clay tablets by Senator Moses. Ever since, we have done our best. We can always do better, and I am open to change, I am open to improvement. But for those who want to walk away from the affordable care act, listen to what they are walking away from.

They are imposing a $1,000 premium on families to pay for the uninsured who will not accept their personal responsibility to buy health insurance. They are walking away from helping seniors pay for their Medicare prescription drugs. They are turning their back on families with young children fresh out of college looking for jobs, with no health insurance coverage. They are inviting the insurance companies to once again turn down your child and your family because of a preexisting condition. They are saying, once again: Let's get into the world of lifetime limits on insurance no matter how much health care costs.

That is their idea of a future—not mine, not my family's. I have lived through part of this. Many others have as well. So when you hear their cheering crowds about repealing the affordable care act, hoping the Supreme Court finds some aspect unconstitutional, step back and ask those cheering crowds about their own health insurance.

The last thing I want to say is this. It is interesting that Senators are debating this. You ought to see our health insurance. You ought to see what we have as Members of Congress. We have the Federal Employees Health Benefits Program. Guess what. It is a government-administered program. Oh, my goodness. You mean Republican Senators are part of a government-administered health care program? Yes. And you mean to tell me they have to deal with an insurance exchange? Yes. That is what the Federal Employees Health Benefits Program is.

Eight million Federal employees and their families choose once a year—in my case from nine different plans that cover Illinois. We like our coverage in my family. Federal employees like their coverage. Senators like their coverage. But when it comes to extending this same benefit to every other American, oh, what a horror story; that is too much government. Really? If you are a person of principle and believe a government-administered health care plan is too much government, step up here in the well and tell people: I am giving up my Federal health insurance. I have not heard a single Republican Senator say that—not one. So let's find out. When we come down to the question about health care insurance for all Americans, I think they deserve at least the kind of coverage that Members of Congress have.

Madam President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

JOBS ACT

Mr. McCONNELL. Madam President, for the past several months, I and others have been calling on the Democratic majority here in the Senate to take up and pass the various bipartisan jobs bills that House Republicans have been sending across the dome. These bills on their own certainly will not

solve the jobs crisis, but they will make it a lot easier for entrepreneurs and innovators to get the capital they need to build businesses and create jobs. And because these bills are more concerned with getting Washington out of the way than getting it more involved, these bills also send an important message that the economy and the country are a lot better off when folks have more control over their economic destinies, not less.

Last night, we were on the cusp of passing a collection of bills known as the JOBS Act. This bill had overwhelming bipartisan support in the House. Nearly 400 Members voted for it. And the President himself says it will create jobs, he supports it and would sign it into law.

Unfortunately, a handful of Democrats here in the Senate wants to slow it down. They denied Americans this bipartisan victory for jobs that we could have had last night.

So this morning I would ask our friends on the other side to reconsider. I would ask them to put the politics aside and allow this bipartisan bill to actually move forward. We could pocket this achievement and move on to other measures, including the reauthorization of the Export-Import Bank, which I suggested yesterday. One bill alone cannot undo the damage inflicted on the economy by this administration, but it sure could help, and we need to show the American people we can do this.

This bill is exactly the kind of thing Americans have been asking for: greater freedom and greater flexibility. That is one of the reasons it has had such overwhelming bipartisan support. At a moment when millions are looking for work and Democrats say they want more bipartisan action on jobs, this is it.

We are in the middle of March Madness here. To use a basketball metaphor: This is a layup. Let's get it done.

HEALTH CARE

Mr. MCCONNELL. Madam President, this week marks the 2-year anniversary of the President's health care law—one that is often described as his signature legislative achievement. But you would not know it based on the President's schedule this week. For a President who is not particularly shy about taking credit even for things he did not have anything to do with, he is curiously silent this week about a bill he talked about for more than a year before it passed. According to news reports, the President does not even plan to mark the occasion.

Well, we are happy—Republicans are very happy—to talk about it for him, even though he is reluctant. We are happy to point out the ways in which this law has failed to live up to the promises the President made about it. We are happy to make the case for why this unconstitutional infringement on America's liberties needs to be repealed and replaced with the kind of commonsense reforms Americans actually want.

Two years ago, then-Speaker PELOSI said:

> We have to pass the bill so that you can find out what is in it.

Well, 2 years later, here is what we have found so far.

The Democrats' health care law has led and will continue to lead to higher costs and hundreds of thousands of fewer jobs over the next decade.

We now know it is loaded with broken promises, such as the one the President made over and over during the health care debate. He said:

> If you like your current plan, you will be able to keep it.

According to the independent Congressional Budget Office, 3 million to 5 million Americans will lose their current plan each year under the most likely scenario.

The health care law will strip billions out of Medicare and increase the Medicaid rolls in States by nearly 25 million, costing already cash-strapped States an additional $118 billion and almost certainly lowering the quality of care for millions of Americans who depend on this vital program.

In my State of Kentucky, an estimated 387,000 more people will be forced into Medicaid—at a time when Kentucky's Medicaid Program is already facing huge deficits just trying to provide benefits to current Medicaid recipients. As a result of this law, more than a million Kentuckians or 29 percent of my State's population will soon be on Medicaid. Kentucky's Governor, a Democrat, is on record saying he has no idea—no idea—how Kentucky will meet its responsibilities if the law forces several hundred thousand more people into the State's Medicaid Program. The math simply does not add up.

This is just one example of how the law is unsustainable and hurts the most vulnerable the most. The bottom line is this: This health care law is an absolute mess—a mess—and the American people do not want it. According to a Washington Post-ABC News poll out this week, more than a half of Americans do not like it—a figure that has not changed much at all since the Democrats forced it through Congress 2 years go. Two-thirds believe the Supreme Court should throw out the individual mandate or the whole law.

When it comes to the cost of health care, this law makes everything worse. Two and a half years ago, the President said his health care plan would ''slow the growth of health care costs for our families, our businesses, and our government.'' Yet the Obama administration itself now admits total spending on health care will increase by $311 billion under the President's health care law. According to the CBO, it increases net Federal health spending and subsidies on health care by $390 billion, and drives up premiums on families by $2,100 per year.

Americans wanted lower costs and to have more control of their health care decisions, and they got the opposite instead. They wanted lower premiums; they got higher premiums. They wanted a government that lives within its means, and they got a new entitlement instead. They wanted more options; they got fewer. They wanted better care; it is going to be worse. That is why Americans want this bill repealed.

Look, this bill would be unconstitutional even if it did the things the President said it would. But the fact that it did the opposite of what he promised means it should be repealed either way, whether the constitutionality of it is upheld or not.

It should say something when the President himself is not talking about this bill except in closed campaign events.

It is time to repeal this bill and replace it with the kind of commonsense reforms people want—reforms that actually lower costs, protect jobs and State budgets, and return health care decisions back to individuals and their doctors. That is a reform that both parties and all Americans could support.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

HEALTH CARE REFORM

Mr. DURBIN. Madam President, those who have followed this debate know Members can disagree, and, obviously, I disagree with the Republican leader on the issue of health care reform. I would say there are a couple elements I would add.

Yes, we expand the Medicaid rolls. That is health insurance for those in low-income categories. But the Federal Government picks up the tab. It is not an added expense to the State governments for 4 or 5 years, and we are hoping their economy gets better.

What about the 1 million Kentuckians who are going on the Medicaid rolls? Those 1 million Kentuckians have no health insurance today. Will they ever get sick? Will they show up at a hospital? Yes, they will. Who will pay for their bills? The rest of the folks living in Kentucky with health insurance and the rest of us.

Is that fair? Do these people have a personal responsibility to have health insurance, as long as we help them, if they are in lower income categories, pay the premiums with tax breaks and enrolling them in Medicaid? Of course they do.

Accepting personal responsibility used to be the first thing the Republicans told us about their family values. Why don't people have to accept personal responsibility and have health insurance so the cost of their care is not borne by their neighbors and the rest of America?

Let me also add again, Members of the U.S. Senate have a government-administered health care program that

protects them, their family, and their children. They sign up for it every single year. Not a single one has come to the well here and said: I am so opposed to government-administered programs I am going to stop enrolling in the health insurance program for Members of Congress—not a one.

JOB CREATION

Mr. DURBIN. Madam President, I see my colleague from Colorado is on the floor, and he is going to speak to an amendment which is very important. The Republican leader addressed an aspect of it. I will make a brief comment.

If we want to create jobs in this country, we know how to do it. We passed a bill here last week, 74 to 22—a bipartisan bill. What a miracle. A bipartisan bill passes the Senate, a bill that would create 2.6 million, maybe 2.8 million jobs—create and save that many jobs in this economy—a bill that will help the American economy expand in the 21st century. What could it possibly be? It is called the Federal transportation bill. We do it every 5 years. If we do not do it—if we do not build the roads, the bridges, the airports, sustain passenger rail service and Amtrak, make certain we have mass transit and buses around America—our economy starts to contract instead of grow.

We passed this bill with a strong bipartisan vote, thanks to Senators BOXER and INHOFE. A Democrat and a Republican, a progressive and a conservative, came together on the bill. We sent it over to the House of Representatives and they said: Sorry, we are not going to take it up. We will not vote on it. We are going to send you a bill that allows people to create new startups, these new private companies, and we are going to eliminate the regulation that makes sure investors do not get fleeced. That is how we want to create jobs.

Well, that is like hoping America has amnesia. We remember the subprime mortgage mess when a lot of unsuspecting people were dragged into offices and into mortgages they had no idea were going to explode when the balloon burst.

Now, once again, the Republicans have said: The best way to create jobs in the future is to let that happen when it comes to the sale of stock in new companies. I am with Mary Schapiro, the Commissioner of the Securities and Exchange Commission. She has warned us, we need to put protections in this bill. It is not going to create the jobs they talk about. It is going to endanger investors.

I yield the floor for the Senator from Colorado.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. BENNET. Thank you, Madam President. And I thank the Senator from Illinois for his leadership and agree it is vital we pass the transportation bill.

CROWDFUNDING

Mr. BENNET. Madam President, in my townhalls we talk about a lot of things that are very different from what people argue about in this place. One of the issues we talk about is the economy. And we talk about these four lines, as shown on this chart.

The first line is our gross domestic product, the economic output of the United States of America, which is higher today than it was before we went into this recession. A lot of people do not know that. We are producing more than we were producing before we went into the recession.

Our productivity has gone up dramatically since the early 1990s, as we have responded to competition from China and India and other places, as we have used technology to enhance our economic output. We have the most productive economy we have ever seen.

But we also face some very potentially catastrophic circumstances in this economy, one of which is that median family income has fallen for the last 10 years—the first time that has happened in our country's history.

And the other is that we have 23 or 24 million people who are unemployed or underemployed in an economy that is producing what it was producing before the recession happened. That is a structural issue. I have spoken on this floor about the importance of education in that context because the worst the unemployment rate ever got for people with a college degree during the worst recession since the Great Depression was 4½ percent. That is a pretty good stress test of the value of a college education.

The other thing we need to make sure we are doing as a country is continuing to innovate and drive innovation across the United States because it is those companies—the ones that are created tomorrow, the ones that are created next week—that are going to create new jobs in this country. That is going to drive our median family income up instead of down.

That is why I am on the floor today to talk about a bipartisan bill, a bill Senator MERKLEY and Senator BROWN and I have worked on, on crowdfunding. It is an amendment that I hope will come to the floor. I hope we can get to a vote. Over the past months, we have worked together in a bipartisan way on a crowdfunding proposal that would allow crowdfunding to thrive but would also create an appropriate level of oversight and investor protection.

We have done something very unusual in this town: we took time to listen to people. We listened to crowdfunding platforms, entrepreneurs, and investor protection advocates. Many of them support this bill and have endorsed this bill. We worked hard to incorporate their ideas. As a result, we have a bipartisan amendment that has the support of both businesses and consumer advocates. That is something which does not happen frequently in this town.

I hope we will have a chance to vote on it. I will urge my colleagues on both sides of the aisle to see this as a real opportunity to take one step—not a huge step but one important step—forward to filling this gap we see, to creating an economy again where rising economic output also means rising wages, and that rising economic output also means growing jobs. This crowdfunding amendment is a chance to do it. It is bipartisan.

I have some letters of support, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL SMALL BUSINESS ASSOCIATION,
Washington, DC, March 15, 2012.

Hon. HARRY REID,
Majority Leader, Hart Senate Office Building, Washington, DC.

Hon. MITCH MCCONNELL,
Minority Leader, Russell Senate Office Building, Washington, DC.

DEAR MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL: The National Small Business Association (NSBA) supports the Capital Raising Online While Deterring Fraud and Unethical Non-Disclosure Act of 2012 (CROWDFUND Act, S. 2190), which would promote entrepreneurship, job creation and economic growth by making it much easier for small companies to raise capital and get new ideas off the ground. This legislation represents a reasonable effort to accommodate differing points of view and to move this important idea forward.

Representing over 150,000 small-business owners across the nation, NSBA is the country's oldest small-business advocacy organization and greatly appreciates your leadership on such an important issue for America's entrepreneurs and small-business community.

This legislation creates a crowdfunding exemption allowing a company to raise up to $1 million with reasonable per investor limits. It also pre-empts state level registration requirements, which is critical if crowdfunding legislation is to have a meaningful positive impact. Furthermore, it adds additional regulations designed to safeguard investors.

Under current law, equity markets are largely closed to entrepreneurs and small businesses because they are generally only permitted to raise capital from people with whom they have a pre-existing relationship or through investment bankers who demand a large share of the company for their services. Even private placements (usually Regulation D offerings) involve high legal fees and generally require that the offering be limited to accredited investors (those with incomes over $300,000 or a residence exclusive net worth over $1 million).

The costs associated with starting and growing a business are significant. According to the Bureau of Labor Statistics (BLS), from March 2009–March 2010, only 505,473 new businesses were created in the United States, the lowest rate of growth since the BLS started compiling data. This bill would facilitate job creation, incentivize entrepreneurs, and promote long term economic growth.

Despite our general support for S. 2190, there are a few areas where we hope this legislation could be further improved as it moves forward:

We would hope and recommend that the $1 million annual limit could be increased to $2

million in conference. There are many small business ideas that require more than $1 million to get off the ground.

Although we regard most of the investor safeguards as reasonable, there are a few provisions that we believe should be amended, as they may increase legal risk and administrative costs considerably. In particular, the provision requiring an explanation of the valuation method used by the issuer creates substantial legal risk and uncertainty since in retrospect almost any valuation method will prove incorrect. It is not clear what ''valuation'' would meet this requirement and protect issuers from litigation risk given the fact that any valuation is going to prove wrong either on the upside or, more relevantly, on the downside.

In addition, the provisions granting the Securities and Exchange Commission almost unfettered discretion to issue additional regulations governing crowdfunding could prove highly problematic. The legislation should contain a provision limiting this discretion and requiring the Commission to consider the costs of any additional regulation and its likely impact on the crowdfunding marketplace.

Small businesses are America's economic engine and are the most dynamic and innovative sector of the U.S. economy. They comprise 99.7% of all domestic employer firms, employ approximately 50% of all private sector employees, and have created roughly 65% of America's new net jobs over the past 17 years.

NSBA is pleased to support the Capital Raising Online While Deterring Fraud and Unethical Non-Disclosure Act of 2012 (CROWDFUND Act, S. 2190) and thanks Senators Merkley, Bennet, Brown and Landrieu for their tireless efforts to improve small-business capital access. We look forward to working with you to address the concerns outlined and, ultimately, together help to enact this critical piece of legislation.

Sincerely,

TODD O. MCCRACKEN,
President.

SOMOLEND,
Cincinnati, OH, March 16, 2012.

Senator JEFF MERKLEY,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR MERKLEY: It is with great pleasure that I, on behalf of my company, SoMoLend, write to you today in support of your most recent compromise bill with Senators Brown and Bennett. As a platform that has been developed to eventually allow peer to peer lending (debt only), we applaud your efforts to allow for new small business borrowing opportunities while also protecting the lender and borrower.

Specifically, we appreciate the language that lifts the financial limits on investment to be robust enough to support the borrower industries we serve. Additionally, the new disclosure/regulatory requirements are robust enough to provide guidance to a new industry, but will also benefit the crowd-funding industry in the long-term (as compared to a possible race to the bottom with a ''no regulatory'' approach). Finally, we believe the disclosure/regulatory requirements will provide adequate information to investors, advising of risk but also deterring fraud. Again, this has long-term benefits to the industry as a whole.

We also recognize a shift from your original bill and thank you for removing the requirement for audited and reviewed financials for businesses raising small amounts of money, as this requirement would have been so cost-prohibitive that it would have served as a dis-incentive for small business participation.

While I believe that your legislation is much stronger than previous bills, I do still have concerns regarding requirements that do not adequately consider the different role debt plays in the capital structure, and hope that we have the opportunity to address these differences in the rule making process (we appreciate your guidance in drafting potential legislative history to this effect). We also believe that the current requirements still take a one size fits all approach, and we ask that the rule makers consider the cost/benefit of additional disclosure for very small offerings. In addition, the existing requirement for portals to belong to a national securities association provides a potential obstacle to our industry (time/cost), with no real benefit, since existing associations do not have any specific rules for crowd funding sites. We do realize, however, that our industry will need to quickly form its own self-regulatory association.

We believe that rule making should permit portals/issuers to rely on investor representations to comply with funding limits. Finally, the rule making process with the Securities and Exchange Commission will take time—we believe that someone should address what occurs in transition.

Overall, we are very supportive of your most recent legislation, and we are happy to help in any way to assist in advocating its passage.

Please let me know if I can do any more to be of assistance, and we look forward to working with your team to create an exciting new opportunity for small business access to capital.

Sincerely,

CANDACE KLEIN,
Founder/CEO.

FUND DEMOCRACY,
March 14, 2012.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL: I am writing on behalf of Fund Democracy to express my support for the Capital Raising Online While Deterring Fraud and Unethical Disclosure Act of 2012 (''CROWDFUND Act''). As the Act's title suggests, an exemption from registration requirements for very small securities offerings creates significant potential for fraud and unethical conduct. The CROWDFUND Act addresses this concern by providing significant regulatory relief to very small issuers without unreasonably compromising the investor protection provisions on which the federal securities laws are grounded and the long-term success of the U.S. securities markets has been based.

In particular, I note the substantial improvements over the crowdfunding exemption contained in Title III of the Jumpstart Our Business Startups Act (''JOBS Act'') recently approved by the House. The JOBS Act's crowdfunding exemption, aptly referred to by Columbia Law School Professor John Coffee as the ''The Boiler Room Legalization Act,'' removes fundamental investor protection measures that are essential to the successful operation of the U.S. securities markets.

Most notably, the JOBS Act would grant broker-dealers who act as intermediaries in crowdfunding offerings a complete exemption from registration as brokers. Such an exemption is grossly overbroad and removes an entire regulatory structure for precisely the kind of small offerings where experience has demonstrated a high risk of fraud. In contrast, the CROWDFUND Act provides a reasonable alternative to broker registration by permitting crowdfunding intermediaries to be lightly regulated as ''funding portals.'' These portals would continue to be subject to essential investor protection rules while relieving them of regulation that is unnecessary in the crowdfunding context.

Furthermore, the CROWDFUND Act requires that issuers provide appropriately limited financial disclosures depending on the size of the offering, whereas the JOBS Act provides a one-size-fits-all blanket exemption from providing any financial information for offerings of up to $1 million. The CROWDFUND Act also provides regulators with 21-day advance notice of crowdfunding offerings. In contrast, the JOBS Act allows for notice with the making of the first offer, at which point regulatory action will often be too late.

Notwithstanding the CROWDFUND Act's significant improvements over the JOBS Act's crowdfunding exemption, I remain concerned regarding the potential for fraud in crowdfunding markets. I strongly encourage the reconsideration of the $2,000 investment limit as applied to low-income individuals and recommend that investments not exceed the greater of $500 or 5% of income. I also encourage a thoroughgoing re-evaluation of the operation of the crowdfunding exemption in practice following the delivery of each of the SEC reports required in Section 6 of the Act.

In conclusion, I applaud the CROWDFUND Act's reasonable balancing of the costs of raising capital for the smallest issuers, and the benefits of adequately protecting both investors and the integrity of the U.S. securities markets.

Sincerely,

MERCER BULLARD,
President and Founder.

THE STARTUP EXEMPTION,
Miami Beach, FL, March 14, 2012.

Senator HARRY REID,
Senate Majority Leader, Hart Senate Office Bldg., Washington, DC.

DEAR SENATOR REID: We began this process over a year ago with the goal of creating a system under which entrepreneurs can raise capital to create jobs. We understand there are major differences between the House and Senate versions of the Crowdfunding bills and we desire for the Senate Banking Committee to have a chance to work these issues out there so that both Houses of Congress can pass this legislation.

In January 2011, we proposed the regulatory framework, which is the basis for all the Crowdfunding bills currently under consideration in Washington, DC. After a year of dedicated work we are comforted by the fact that the Senate, House and President understand how important capital is to our nation's entrepreneurs for innovation and job creation. The passage of the House Crowdfunding Bill (H.R. 2930), coupled with the President's very strong leadership and support was a great demonstration of bipartisanship. The active debate in the Senate, further reinforces the commitment to updating securities regulations that were written at a time when we didn't have the technology to better enable the free flow of information and investor protection. Once legalized, Crowdfund Investing (CFI) will allow a limited amount of community-based capital to flow into the hands of our nation's job creators and innovators, while providing prudent investor protections.

We are three successful MBA entrepreneurs having raised in excess of $100M in venture and private equity capital and deeply understand the capital markets, and their risks and rewards. In drafting our framework, we worked hard to balance the interests of the

entrepreneur, investor, intermediary and regulator. We endorsed H.R. 2930, as it is aligned with our framework. Since then, we worked closely with the Senate to understand their concerns and work on a bill to include provisions that can yield bipartisan support while creating an regulatory environment in which a Crowdfund Investing industry can grow and succeed.

It is with this in mind that we write to suggest that if you consider the House version of the bill you consider adding the following crucial components:

1. Crowdfund Investing intermediaries that are SEC-regulated to provide appropriate oversight
2. All or nothing financing so that an entrepreneur must hit 100% of his funding target or no funds will be exchanged
3. State notification, rather than state registration, so the states are aware of who is crowdfunding in their states. This ensures they retain their enforcement ability while creating an efficient marketplace.

Senators Merkley, Bennett, Brown and Landrieu should be commended for their thoughtfulness in crafting a bipartisan compromise bill. Passage of Crowdfund Investing legislation this session will create the American jobs and innovation that our economy so desperately needs. Please consider taking up this bill.

Sincerely,

SHERWOOD NEISS, JASON BEST &
ZAK CASSADY-DORION,
Co-founders.

MARCH 15, 2012.

Senator HARRY REID,
Senate Majority Leader, Hart Senate Office Building, Washington DC.

DEAR SENATOR REID: I write to express support for the bipartisan CROWDFUND Act recently proposed by Senators Merkley, S. Brown, Bennet and Landrieu.

CrowdCheck, Inc. was formed to support entrepreneurs seeking crowdfunding by giving them a way to establish their legitimacy in a field that many have predicted will be vulnerable to fraud, and to give investors a tool to recognize and avoid fraud. Our founders include several business lawyers, and I am a securities lawyer with three decades of experience helping companies comply with SEC disclosure requirements. I thus understand the burdens such regulations can impose on entrepreneurs, and also the information investors need to make an informed investment decision. I am therefore pleased to see the careful balance in the bill between investor protection and burden on the entrepreneur.

While we have some concerns with respect to interpretation of certain provisions in the bill, we look forward to working with the sponsors of the bill to address these. We therefore urge you to support this bipartisan effort to pass the CROWDFUND Act.

Sincerely,

SARA HANKS,
CEO, CrowdCheck, Inc.

Mr. BENNET. It moves this ball down the field. I hope it establishes a model for how we can work together to make sure that we are actually addressing things I am hearing about in the townhalls and that we are driving wage growth and job growth here in the United States.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. WICKER. Madam President, are we in morning business?

The ACTING PRESIDENT pro tempore. We are.

ORDER OF PROCEDURE

Mr. WICKER. Madam President, I rise to speak on the second-year anniversary of the Patient Protection and Affordable Care law. I will be joined shortly by a few of my colleagues. I ask unanimous consent that at that point we engage in a colloquy.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE

Mr. WICKER. Madam President, on Friday of this week 2 years will have passed since President Obama signed the Patient Protection and Affordable Care Act into law. This is actually a sad anniversary because more than enough time has gone by to reveal the failures of this massive, burdensome piece of legislation.

The fact that 26 of our 50 States—more than half of the States—are part of the legal challenge currently under review by the Supreme Court points out the inevitable truth: This is a law that simply does not work.

The case that will be heard in a few days will be one of the most consequential Supreme Court cases of my lifetime—consequential not only because it deals with this massive, burdensome piece of legislation but because the implications go so much further. The Supreme Court case will decide the scope of the commerce clause. Indeed, my colleagues, if the Supreme Court decides this law can withstand constitutional scrutiny, then this large, massive Federal Government can, in fact, do almost anything, and there will be hardly any limitations under the Constitution and the Bill of Rights on the power of the U.S. Federal Government.

Americans are right to be disappointed with Obamacare, and they are right to want it repealed. And regardless of the outcome of the Supreme Court case, this Congress can decide and, as a matter of fact, the people of the United States will have a chance in November, as we do every 2 years, to decide.

A recent Gallup poll shows that twice as many Americans think the law will make things worse for their families than those who believe it will make things better. Seventy-two percent of Americans believe the individual mandate is unconstitutional.

The truth is that Americans deserve affordable, high-quality health care, not a 2,700-page, big-government piece of legislation that taxes, spends, and regulates. The President's health care law has not lowered the cost of health care as promised. It has not created jobs as promised. It has not reduced the deficit as promised. So this week we mark the anniversary not with progress but with bitter realities.

President Obama, in his joint session speech to Congress in 2009, asserted that his plan ''will slow the growth of health care costs for our families, our businesses, and our government.'' In fact, last week the nonpartisan Congressional Budget Office and Joint Committee on Taxation updated their outlook of the health care law's impact on the Federal budget. Not surprisingly, their latest analysis says Obamacare will cost even more than anticipated. And the anticipated costs were high, indeed, but they say the health care law will cost nearly $1.8 trillion over the next decade or double the estimated cost that accompanied the bill when Democratic supermajorities passed it in 2010. This is hardly the relief President Obama promised.

During his campaign, the President said the plan would reduce health care premiums by an average of $2,500 per family. Instead, premiums have grown by nearly that much since he was elected.

I see I am joined by two of my colleagues, the distinguished Senator from Wyoming and the distinguished Senator from Kansas.

There are a number of other promises we are talking about today, and I know we don't impugn motives around here—that is against the rules—but one has to wonder, did advocates of this massive law actually believe these promises or were they simply duped and misled? And I don't know which is worse, but I know that my colleague Dr. BARRASSO, himself a physician who is on the front line of this issue, has given this a great deal of thought, so at this point I ask him to join in this colloquy.

Mr. BARRASSO. Madam President, I stand here with my friend and colleague from Mississippi because he and I both attended, in his home State of Mississippi, a meeting at a hospital where we met with doctors, also met with patients, and met with people from the community while the debate and discussion was being conducted about this health care law. At the time, people were asking all sorts of questions because they had heard the promises. Would this actually lower the cost of insurance by $2,500 a family? That is what people wanted. That is what they expected. The other question: Will I really be able to keep the care I have and the doctor I have if I like it?

Now here we are a couple of years later, the second anniversary of this health care law being passed, and I am here with my friend and colleague from Mississippi, and it just seems to me that the questions that were asked by his constituents, by the doctors in those communities who take care of the patients, by the patients, the hospital administrators whom we talked to that day in his home State of Mississippi—it does seem that many of these promises have been broken.

The costs seem to go up higher than had this health care law not been passed at all. The numbers and the statistics we are hearing now from the budget office on the cost seem to be much, much higher than what the

President promised. Parts of this health care law—the so-called CLASS Act—it now comes out were accounting gimmicks, budget schemes to make it seem as though the cost of this health care law would be much less than what American people now know it to be.

So it is no surprise to me—and I see this in Wyoming, and I am sure the Senator sees it in Mississippi, and I would imagine the Senator from Kansas who is on the floor has seen the same thing at home because I know he has gone to hospitals and just—maybe almost every hospital in the State of Kansas as he has traveled around. We are all seeing that this health care law is less popular now than when it was passed. That is what I hear at townhall meetings. When I ask, do you think you are actually going to pay more under the health care law, every hand goes up. And when I say, do you think the quality and availability of your own care at home is going to go down, again, every hand goes up.

So if I could ask my colleague from Kansas if he is hearing the same things. And I see we are also joined by the Senator from Arizona.

Mr. MORAN. I appreciate the opportunity to be on the floor today, especially with the Senator from Wyoming, a doctor who is such an expert on the topic of really not just the moment, not just the day, but the topic of what our country faces.

I will say that I do spend a lot of time in hospitals across our State talking to health care providers, talking to patients, doctors, to administrators, trustees. In fact, there are 128 hospitals in our State. I have visited all of them, and there is genuine concern about the future of the ability for health care to be delivered in communities across our State. And you add to that the physician and other health care provider community, and this health care reform act is creating significant challenges.

My interest in public service started a long time ago with the belief that we live our lives in rural America, in my State of Kansas, in a pretty special way. When I came to Congress, it became clear to me that if our communities were going to have a future, it was dependent upon the ability to deliver health care close to home. And those rural communities across our Nation often have high proportions of senior citizen populations where Medicare is the primary determining factor of whether they can access health care.

When the affordable care act was passed, many promises were made, but one of the things that was told to the American people—or at least the attempt was made to sell to the American people—was that there would be greater access. And I would certainly say that one of the promises that is not being kept about the affordable care act is the likelihood that there is going to be greater access for Americans across our country to health care because this bill is underfunded, it is not paid for. The consequences are that the administration is already proposing and Congress will always be looking for ways to reduce spending when it comes to health care, and the most likely target is the payment Medicare makes to health care providers, which in many instances already doesn't cover the cost for providing the service. So when we look for access to health care, every time we make a decision, every time a decision will be made in order to try to make this more affordable, we are going to see fewer and fewer providers able to provide the services necessary to folks across the country but especially in rural communities where 60, 70, 80, even 90 percent of the patients admitted to the hospital are on Medicare.

So one of the problems with the affordable care act is the reality that it will reduce access to health care for people who live in rural America and we will see fewer physicians accepting patients on Medicare, we will see fewer hospital doors remain open; as this bill takes $500 billion out of Medicare to begin with, the Congress that passed and the President who signed this legislation set the stage for there to be less affordable health care available to Americans across the country but especially for constituents of mine who live in a rural State such as Kansas.

Mr. WICKER. If I could jump in on the issue of Medicare because I have a quote here from President Obama, July 29, 2009: ''Medicare is a government program, but do not worry, I am not going touch it.'' As a matter of fact, only months later he signed into law Obamacare, which takes $½ trillion from Medicare. And it touches on the very issue the Senator from Kansas was referring to with regard to Medicare access for people in rural Kansas.

Mr. McCAIN. Madam President, I might point out to my friend from Mississippi that the first amendment we had on the floor of the Senate when we were considering ObamaCare was to restore that $500 billion, and it was voted down on a party-line basis.

I thank my friends for allowing me to engage in this colloquy. I want to discuss this with my friends. In my view, probably what encapsulates the problems with this legislation—the commitment began that we would provide affordable health care to all Americans, which meant we had to put the brakes on inflation in health care because health care was becoming unaffordable—the highest quality health care in the world. Nothing, in my view—and I ask my colleagues this—describes more how this whole plan went awry than the so-called CLASS Act.

Late in the debate, the CLASS Act was thrown in to provide long-term care for seniors, which seems like a worthy cause, but the whole thing was a gimmick. It was described by Senator CONRAD, our chairman of the Budget Committee, as a ''Ponzi scheme of the first order, the kind of thing that Bernie Madoff would have been proud of.''

They foisted that off on us. Why? Initially, because of CBO scoring, it would show an increase in finances into revenues and into the whole ObamaCare program. But as soon as those people who were paying in became eligible, obviously, the reverse happened. Thank God for former Senator Gregg of New Hampshire, who had an amendment adopted that required the Secretary to certify that the program would be solvent for over 75 years before the program could be implemented. If it hadn't been for that, the CLASS Act would be here today.

Then, last October, the Secretary of Health and Human Services issued a report confirming what many of us knew was inevitable: that the Secretary could not certify the CLASS Act's solvency as required under law. So we went through this exercise of frantically searching for ways to increase revenue, at least the way CBO does scoring. So we did the CLASS Act and, thank God, Senator Gregg of New Hampshire put in an amendment that they had to certify that it would be viable over 75 years. There was not a snowball's chance in Gila Bend, AZ, that they were able to certify that for over 75 years it would be a viable program.

It was kind of entertaining, but late on a Friday night the Secretary of Health and Human Services said she could not certify that the program would be solvent throughout a 75-year period. The result of this was, obviously, that they didn't have the false revenues that CBO could score. They didn't have a program that could provide long-term care for seniors. Again, as the Senator from North Dakota aptly pointed out, this ''Ponzi scheme of the first order'' faced and met a well-deserved death.

That is why an overwhelming majority of the American people disapprove of this whole exercise of ObamaCare. They want it repealed. They don't support it. I am proud to say in this election we will decide whether we repeal and replace ObamaCare. The American people care about that.

Mr. WICKER. Madam President, to summarize what the Senator from Arizona has just said, the CLASS Act was sold to the American people as a budget deficit reducer. It was going to reduce the deficit. No sooner was it signed and they started looking at it that the administration itself said: We know it is unworkable, and we abandon it. We are not even going to try to enforce it.

Mr. McCAIN. They could have kept it on the books. If it had not been for the amendment of Senator Gregg from New Hampshire which said they had to certify its solvency over a 75-year period, we would have the CLASS Act today, a Ponzi scheme where people would be paying in, and that is scored as revenues, and some years later when they retire, obviously, the reverse would have been true.

I have yet to hear one of my colleagues come over and admit that they

were wrong about the CLASS Act. I would love to hear some of those who strongly advocated for it. My friend from Iowa, Senator HARKIN, said:

So we get a lot of bang for the buck, as one might say, with the CLASS Act that we have in this bill.

Senator WHITEHOUSE said this:

Certain colleagues on the other side of the aisle have argued that the CLASS plan would lead to a financially unstable entitlement program and would rapidly increase the Federal deficit. That is simply not accurate.

I look forward to my colleagues who supported and voted for the CLASS Act to come over and agree that it was, as Senator CONRAD pointed out, a Ponzi scheme.

Mr. WICKER. Madam President, I know our friend from South Dakota has joined us and is eager to join in this discussion. I wonder if he has anything to add about the broken promises that were made during the passage of ObamaCare.

Mr. MCCAIN. Before that, the whole point of reforming health care was to reduce the cost of health care. That was the goal. We all know Medicare cannot be sustained for the American people if the inflation associated with health care continues. The whole object of this game was to reduce the cost of health care and preserve the quality of health care.

Does anybody think that was achieved with this legislation? That is why the American people have figured it out. I yield for the Senator from South Dakota.

Mr. THUNE. Madam President, I echo what the Senator from Arizona said about the CLASS Act. He was here, as was I and many others, debating this bill and saying this was a program destined to be bankrupt. In fact, if we look at the independent Actuary, he was saying the CLASS Act was unworkable. They said it would collapse in short order.

Within the HHS Department, there was a nonpartisan career staff that called it a ''recipe for disaster.'' There was plenty of advance warning this wasn't going to work.

The Senator from Arizona correctly pointed out it was used as a gimmick to make the overall cost look less and, therefore, bring it into balance. As we know now, the CLASS Act could not work. They have had to acknowledge that, and the amendment put on by Senator Gregg, which would have forced them to certify, made that abundantly clear.

To the point of the Senator from Mississippi, the purpose of the exercise was that we have to do something about the cost of health care. In fact, the President of the United States, when he was running, said this:

If you've got health insurance, we are going to work with you to lower your premiums by $2,500 per family per year. We will not wait 20 years from now to do it, or 10 years from now to do it; we will do it by the end of my first term as President of the United States.

I am sure the Senator from Arizona probably remembers very well many of these statements. But the facts tell a different story. If we look at what health care costs are doing, and even what was predicted by the Congressional Budget Office, they said the law was going to increase health insurance premiums by 10 to 13 percent, which means families purchasing coverage were going to pay an additional $2,100 because of the new law. That has actually been borne out.

If we look at the cost of health insurance for people in this country today, it has gone up, not down; it has gone up dramatically—since the President took office, about 25 percent for most Americans. All these promises about getting costs under control, the promises about keeping what people have, the promises about this being done in a way that would protect Medicare—we all know Medicare was going to be slashed when this was fully implemented, to the tune of $1 trillion, and there would be $1 trillion in new taxes also.

The American people got a bad deal, and they know it. That is what the public opinion polls show.

Mr. MCCAIN. I ask the Senator, even though we have shut down the office of the CLASS Act, even though the Secretary of Health and Human Services said they can't certify that it will be fiscally solvent over 75 years, it is still on the books. Isn't the CLASS Act still on the books? Does the Senator think it might be appropriate, since we cannot comply with the law, to maybe repeal that portion of the law? Is that something we might think about? It might be a pretty good amendment.

Mr. THUNE. It would be, and, by the way, we have that amendment and would be happy to offer it. We tried to call up the bill, but it was objected to by the Democrats. The thing about bad ideas around here is that they tend to come back. This idea ought to be put away once and for all. Yet it is on the books, as the Senator pointed out. I don't know why, after all the evidence out there now that has been put forward, including the Health and Human Services Secretary saying this will not work. But we continue to maintain it on the books in the hopes of some in the administration, I am sure, that it can be resurrected in the future. It was a bad idea then, and it will be in the future. It just doesn't pencil out. We cannot make it work. It saddles future generations of Americans with massive amounts of debt.

Mr. WICKER. Madam President, let me ask my colleagues about another promise. They will call time on us soon.

Does anybody recall hearing this statement from the President of the United States in 2009? He said this:

If you like your health care plan, you will be able to keep your health care plan, period. No one will take it away, no matter what.

That was the President on June 15, 2009. What happened to that?

Mr. BARRASSO. Madam President, when we look at it, even the administration admits that wasn't true. Small businesses—people who get their insurance in small businesses—will have a difficult time continuing to provide coverage for people because of the mandates that say they have to provide Washington-approved insurance. That is the problem: that people have what they like, and it may be something they want, need, and can afford. Now they are being mandated to have something they may not want, need, or be able to afford.

So, again, we have another broken promise, which is why Senator COBURN, who practiced medicine for a quarter century, as I did, and I have come out with a report, released yesterday called, ''Warning, Side Effects, a Checkup on the Federal Health Law: Fewer Choices.''

That means people cannot choose to keep what they have. There are fewer choices, higher taxes, more government, and less innovation. None of that is what the American people have been promised by the President.

Mr. MCCAIN. In addition, I ask the Senator how many new regulations have been issued, and how many new regulations do we anticipate as a result of this exercise?

Mr. BARRASSO. This over 2,000-page law will result in over 100,000 pages of regulations. There is one part of the law where, for a couple of pages—4 to 6 pages—they had 400 pages of regulations and 50 pages of legal guidance.

When we talk to hospitals—I know those of us who visit with hospitals in our States—they say they are spending money on consultants and lawyers to help them understand the law. They say: It is money we ought to spend on patients and equipment and technology for our hospital, to provide care in our community.

I know the Senator from Kansas has visited over 100 hospitals in his State. He has heard the same thing.

Mr. MORAN. That is true. The point made earlier about the goal of the legislation bending the cost curve down—it didn't do it, it doesn't do it, and it cannot do it. That created the problem we all face now. How can we have access to affordable health care if we are not reducing the cost of health care?

The end result, in my view, is that Americans will have less options for their own plans. As employers, they will provide either less options or no options for their employees. So the idea that people are going to get to keep what they have, that begins to disappear. If they are a senior citizen and Medicare has been their primary provider, we go back to the idea that we didn't bend the cost curve. So in order to make health care affordable—when the legislation fails to do that, we find other gimmicks to do that. One of the things this bill creates is IPAB, an independent agency that will make decisions about what is covered by people's health care plans. The goal will not be to have better quality health care; the goal of the IPAB will be to reduce expenditures.

As the promise was made that people get to keep what they have, it becomes totally different than what they have experienced in their health care plans—either in their own private health care insurance or as a beneficiary of Medicare. Even the President's own Medicare Actuary estimates that the law will increase overall national health care expenditures by $311 billion during the first 10 years alone, and that private health care insurance premiums will rise 10 percent in 2014.

So if we are complaining today about the increase in premium costs, there is more to come. In 2014, the Medicare Actuary says there will be another 10 percent increase in your health care premiums. At the Center for Medicare and Medicaid Services, their economists found the increasing growth rate in health care spending will occur in every sector of health care. More recently, the Congressional Budget Office, our neutral provider of analysis, says the cost of the health care law may be substantially higher than earlier estimated.

One of the things I would suggest we should have done and that never happened—if we want folks to be able to keep what they have, if we want access to health care in rural and urban and suburban places in the country—we should have done something about fixing permanently the reduction of payments to physicians—the so-called doc fix. One would have thought, in health care reform, that would have been front and center. Because if we don't have a physician providing a service, we don't have health care. Yet we have a Medicare system that is going to reduce the payments. In fact, expected this year, the reduced payments to physicians was going to be 30 percent.

The reality is, no longer will physicians accept Medicare patients. The option the American people were promised about keeping what they have disappears one more time. In fact, at a townhall meeting in Parsons, KS, this year, a physician in the front row said: Senator, you need to know I no longer accept Medicare and Medicaid. I will take cash, but I cannot afford to provide the services based upon the Medicare reimbursement rate I get. When you add in all the paperwork, trying to comply with Medicare and Medicaid, it is no longer financially feasible for me in this small town to provide the services my patients need under Medicare.

So we are going to see a lot less access because, once again, this is a failure. The promise that was made to bend down the cost curve, to reduce health care costs, to reduce premiums was totally false.

Mr. WICKER. So the promise was not to touch Medicare, and that promise has not been fulfilled. The promise was to reduce the deficit, and that turned out to be an empty promise.

Also, we were told by the President and by Speaker PELOSI this bill would create jobs. The President said it was a key pillar for a new foundation for prosperity. How has that turned out? Former Speaker PELOSI said in its life the health care bill will create 4 million jobs—400,000 almost immediately.

Of course, neither of those promises has come true. The nonpartisan CBO has estimated the health care law will reduce America's workforce. This is the bipartisan CBO. They said it will reduce America's workforce by 800,000 jobs over the next 10 years. That fact has been confirmed by the U.S. Chamber of Commerce.

Mr. THUNE. I would say to my colleague from Mississippi that one of the areas where jobs may be created is in the Federal Government because it is going to take an awful lot of Federal bureaucrats to oversee and lots of new IRS agents to implement this legislation. That would be the only place we will see job creation.

But when it comes to private sector job creation, the thing about this is, it raises the cost for health insurance coverage for employers, and it raises taxes on a lot of people who are involved in health care.

The ACTING PRESIDENT pro tempore. The minority's time has expired.

Mr. THUNE. The combination of those things is only going to cost jobs.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

ORDER OF BUSINESS

Mr. HARKIN. Madam President, how much time remains on our side?

The ACTING PRESIDENT pro tempore. There is 7½ minutes.

Mr. HARKIN. Madam President, I would like to be notified when I have 1 minute remaining.

The ACTING PRESIDENT pro tempore. The Chair will so advise.

Mr. HARKIN. I appreciate that.

HEALTH CARE

Mr. HARKIN. Madam President, 2 years ago President Obama signed into law what I believe was the most forward-thinking and humane reform of our health care system since Medicare. Just like the Republicans opposed Medicare when it came in, they still want to get rid of it. If we look at the Ryan budget that came out, what do they want to do? They want to privatize Medicare. They have been at it ever since. They do not want this humane reform we passed 2 years ago.

When the affordable care act became law, I said we have made America a more compassionate and a more just society. I believe this with even greater conviction now. In listening to my colleagues, my friends on the other side of the aisle, one would think this is all just about little nuts and bolts and this and that, but it is about humaneness. It is about compassion and about justice and, yes, it is about making the system work better for patients, not just for insurance companies and the insurance industry.

Now that we have moved ahead to implement the law, the results have been striking. Every American now is protected against the abusive insurance company practices of the past. Let me put it another way. Because of the health care reform law, Americans now have protections that every Senator in this Chamber has enjoyed for years under the Federal Employees Health Benefits Program. We now have extended that to all Americans. Listening to my friends on the other side of the aisle, they want to take it away from Americans but keep it for themselves. Oh, no; they do not want to give it up. I think what is good for Senators ought to be good for the American people.

The young lady shown on this chart is Emily Schlichting. She testified before my committee last year, and this is what she said:

> Young people are the future of this country and we are the most affected by reform—we're the generation that is most uninsured. We need the Affordable Care Act because it is literally an investment in the future of this country.

Why does she say that? Because she suffers from a rare autoimmune condition which insurance companies would not even cover. But because we have said they cannot now discriminate if someone has a preexisting condition, Emily gets insurance coverage. Plus, she can stay on her parents' health insurance program.

So far, the law has extended coverage to more than 2½ million young people such as Emily. Yet the Republicans want to take it away. They want to take away Emily Schlichting's insurance coverage. That is what this is all about. They want to repeal the affordable care act—ObamaCare. What that will mean is that 2½ million people similar to Emily will lose their insurance. But they do not talk about that. They do not talk about that.

Here is the coverage Americans have right now. We have banned lifetime limits. Let me tell everyone about Ross Daniels and Amy Ward from West Des Moines, IA. After developing a rare lung infection on a summer trip, Amy needed intensive treatment, including a course of medication costing—get this—$1,600 a dose—$1,600 a dose. Her insurance policy had a $1 million lifetime limit. Without our health care reform's ban on lifetime limits, this couple would have had to declare bankruptcy. After this experience, Ross said he can't understand why opponents of the law want to repeal it. He said:

> It is hard for us to believe that so many of the GOP candidates would have us go back in time where an illness like this would have forced us, or any other family for that matter, into bankruptcy.

Listen to what Republicans are saying. They want to take this protection away from Amy Ward and Ross Daniels and millions of other Americans. There are 100 million people being helped by the ban on lifetime limits.

We have also covered vital preventive services free of charge. That has benefited more than 80 million people who

now get free preventive care. It allows young people to remain on their parents' insurance plans until they are age 26. I can't tell you how many families I have talked to in my State of Iowa who have said this has been a godsend to them and to their kids.

Here is the preventive portion. We all know prevention is the best thing we can do to change our sick care system into a health care system. Here is what we did. Here is what the affordable care act does on prevention. Before health care reform, colorectal cancer screening was covered only 68 percent by insurance companies, cholesterol screening was only covered by 57 percent, tobacco cessation only 4 percent. Under the affordable care act, colorectal cancer screening, cholesterol, and tobacco cessation all are covered at 100 percent by every insurance company. Madam President, 100 hundred percent, not 57 percent or 68 percent but 100 percent. We all know that early screening means people live longer and it cuts down on health care costs.

So millions now receive free preventive care, and 86 million Americans had at least one free preventive service in 2011. Almost 1 million Iowans, in my State, received at least one free preventive service in 2011. Yet Republicans want to take this away. That is what this is about.

But Americans now have preventive care. They now are able to keep their kids on their policies until they are age 26. They now have a ban on lifetime limits. We now have a ban for children up to age 19 on preexisting conditions. That is all they want to do; they want to take this away. I say, don't let them take this away from the American people.

The ACTING PRESIDENT pro tempore. The Senator has 50 seconds remaining.

Mr. HARKIN. I yield the remainder of my time to the Senator from Michigan.

JOBS ACT

Mr. LEVIN. Madam President, in a few minutes, we are going to vote on whether we should end debate on a House bill which carries the false label of a jobs bill—a bill which cries out for debate and amendment.

If we continue down this track, we will approve legislation that endangers America's senior citizens, its small investors, and its large pension funds and foundations. In doing so, we would, far from encouraging job growth, endanger job growth, by endangering the investments that help America's businesses grow and create new jobs. The jobs bill before us, as it now stands, is anything but a jobs bill. And if we invoke cloture, we will end debate and the opportunity to remedy this bill's flaws. The Senate should not take that step.

Its flaws are deeply worrisome. It threatens to dampen investment, and therefore dampen job growth, in at least six ways.

First, investors are now protected by federal securities laws that generally prevent companies from making largely unregulated stock offerings to the public. By limiting such unregulated stock offerings to investors who can better withstand the substantial risk of these investments, we discourage fraud while allowing companies to access capital. But the House bill does away with these restrictions. They could market them with cold calls to senior centers. This would expose Americans with few protections against fraud and little ability to analyze complex, risky investments to devastating losses.

It gets worse. The House bill changes when a company is large enough to warrant SEC disclosure and transparency requirements—from one with fewer than 500 shareholders to one with 2,000 or more shareholders, and perhaps many more. Those could be very large companies. In fact, the House bill maintains a loophole that allows shareholders of record, on paper, to hold shares for potentially hundreds of real owners as a way of evading this shareholder limit. They would be exempt from filing regular financial reports and other measures that give investors the confidence they need to invest their hard-earned dollars.

Taken together, these first two flaws would allow even large companies to make largely unregulated stock offerings to potentially unwary investors, and to evade even the most basic requirements to accurately inform shareholders of their financial condition. Combined, these provisions are a recipe for fraud, abuse, financial crisis and reduced investment to grow our economy.

The House bill has other deep flaws. It erases barriers, erected after the dotcom bubble of the 1990s, that prevent conflicts of interest in which investment banks could promote the stock offerings that they underwrite by having their research analysts provide pumped-up assessments on the stock.

This provision would mean that nearly 90 percent of all IPOs would be exempt from providing basic protections that help investors commit their money with confidence.

Now, it has been said by supporters of this bill that we should approve this bill because the President supports it. I would remind my colleagues of two things. First, the President's support would not dissolve our own responsibility. We are in danger of rubber-stamping a bill simply because someone slapped a clever acronym with the word ''jobs'' on it. If this bill threatens, rather than encourages, investment and job creation, we should repair its flaws. That is our responsibility. Madison told us two centuries ago:

> A senate, as a second branch of the legislative assembly, distinct from, and dividing the power with a first, must be in all cases a salutary check on the government.

We should be that check today.

Second, those who point to the President's support fail to mention another aspect of his position: support for common-sense fixes that protect the integrity of our markets. The White House said this week:

> The President strongly supports the efforts of Senate Democrats to find common ground by supporting the most effective aspects of the House bill to increase capital formation for growing businesses, while also improving the House bill to ensure there are sufficient safeguards to prevent abuse and protect investors.

The President supports this bill, yes—but he also supports improving it. And we should have the chance to do so.

This is not a bill to promote investment in our economy. This bill will discourage investment. As SEC Chairman Schapiro wrote:

> If the balance is tipped to the point where investors are not confident that there are appropriate protections, investors will lose confidence in our markets, and capital formation will ultimately be made more difficult and expensive.

Unless we protect investors, they will not invest in our economy. We can only add those protections if we slow this rush, debate this bill, and amend it. If we invoke cloture now, we end debate rather than beginning it. If we invoke cloture, we restrict amendment rather than allowing it. That would be a grave mistake, one that puts American investors, American workers and the stability of our economy at risk, and I urge my colleagues not to walk that path.

Again, this bill would allow companies to advertise these virtually unregulated stock offerings on television or on billboards. This House bill would allow large companies with thousands of shareholders to avoid SEC regulation. The House bill would allow banks of any size to avoid SEC regulation if they have fewer than 1,200 shareholders. The House bill would allow companies with annual sales of up to $1 billion to evade the most basic transparency, accountability, and disclosure requirements in making initial public offerings.

This is not a bill which will promote investment in our economy. This bill will discourage investment. As SEC Chairman Schapiro wrote us:

> If the balance is tipped to the point where investors are not confident that there are appropriate protections, investors will lose confidence in our markets.

That is why the Council of Institutional Investors warns us ''this legislation will likely create more risks to investors than jobs.''

This is not a bill which will allow new opportunities for American workers but one which will create new opportunities for fraudsters and boiler-room crooks. I urge defeat of cloture. We should not end debate on this bill and make it more difficult to amend this bill by restricting amendments.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

JUMPSTART OUR BUSINESS STARTUPS ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3606, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3606) to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

Pending:

Reid (for Reed) amendment No. 1833, in the nature of a substitute.

Reid amendment No. 1834 (to amendment No. 1833), to change the enactment date.

Reid amendment No. 1835 (to amendment No. 1834), of a perfecting nature.

Reid (for Cantwell) amendment No. 1836 (to the language proposed to be stricken by amendment No. 1833), to reauthorize the Export-Import Bank of the United States.

Reid amendment No. 1837 (to amendment No. 1836), to change the enactment date.

Reid motion to recommit the bill to the Committee on Banking, Housing, and Urban Affairs, with instructions, Reid amendment No. 1838, to change the enactment date.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 3606, an Act to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

Harry Reid, Ben Nelson, Jon Tester, Charles E. Schumer, Joe Manchin III, Patty Murray, Mark R. Warner, Christopher A. Coons, Robert Menendez, Thomas R. Carper, Joseph I. Lieberman, Debbie Stabenow, Robert P. Casey, Jr., Tom Udall, Jim Webb, Barbara Boxer.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on H.R. 3606, an act to increase American job creation and economic growth by improving access to public capital markets for emerging growth companies, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAPO) and the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Mr. FRANKEN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 76, nays 22, as follows:

[Rollcall Vote No. 53 Leg.]

YEAS—76

Alexander	Bennet	Brown (MA)
Ayotte	Bingaman	Burr
Barrasso	Blunt	Cantwell
Begich	Boozman	Carper
Casey	Johanns	Reid
Chambliss	Johnson (SD)	Risch
Coats	Johnson (WI)	Roberts
Coburn	Kerry	Rockefeller
Cochran	Klobuchar	Rubio
Collins	Kohl	Schumer
Coons	Kyl	Sessions
Corker	Lee	Shaheen
Cornyn	Lieberman	Shelby
DeMint	Lugar	Snowe
Durbin	Manchin	Stabenow
Enzi	McCain	Tester
Graham	McCaskill	Thune
Grassley	McConnell	Toomey
Hagan	Moran	Udall (CO)
Hatch	Murkowski	Udall (NM)
Heller	Murray	Vitter
Hoeven	Nelson (NE)	Warner
Hutchison	Nelson (FL)	Wicker
Inhofe	Paul	Wyden
Inouye	Portman	
Isakson	Pryor	

NAYS—22

Akaka	Franken	Merkley
Baucus	Gillibrand	Mikulski
Blumenthal	Harkin	Reed
Boxer	Landrieu	Sanders
Brown (OH)	Lautenberg	Webb
Cardin	Leahy	Whitehouse
Conrad	Levin	
Feinstein	Menendez	

NOT VOTING—2

Crapo	Kirk

The PRESIDING OFFICER. On this vote, the yeas are 76, the nays are 22. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Cloture having been invoked, the motion to commit falls as being inconsistent with cloture.

Mr. REID. Mr. President, I raise a germaneness point of order against the pending Cantwell-Graham amendment.

The PRESIDING OFFICER. The point of order is well taken, and the amendment falls.

Mr. REID. Mr. President, I raise a germaneness point of order against the Reed-Landrieu-Levin-Brown of Ohio substitute.

The PRESIDING OFFICER. The point of order is well taken and the amendment falls.

AMENDMENT NO. 1884

Mr. REID. Mr. President, I call up amendment No. 1884, offered by Senators MERKLEY, BENNET, and others.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. MERKLEY, Mr. BENNET, and Mr. BROWN of Massachusetts, proposes an amendment numbered 1884.

(The amendment is printed in the RECORD of Monday, March 19, 2012, under ''Text of Amendments.'')

Mr. REID. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1931 TO AMENDMENT NO. 1884

Mr. REID. Mr. President, I call up the second-degree amendment, No. 1931, offered by Senator REED of Rhode Island.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. REED, proposes an amendment numbered 1931 to amendment No. 1884.

The amendment is as follows:

At the end, add the following. ''The Commission shall revise the definition of the term 'held of record' pursuant to section 12(g)(5) of the Securities Exchange Act of 1934 (15. U.S.C. 781(g)(5)) to include beneficial owners of such class of securities.''.

Mr. REID. Mr. President, the bill before this body had broad bipartisan support, bicameral in nature. The bill we are considering today is the IPO bill, of course. The bill passed the House by an overwhelming majority. President Obama supports it.

I want everybody to know that the bill is imperfect, and that perhaps is an understatement. What we are trying to do with amendments offered by Senators MERKLEY and REED is to improve this bill, which has a lot of problems. These two amendments would go a long way toward correcting those.

This is an important piece of legislation, and we are confident that it will improve innovators' access to capital and give startups the flexibility they need to hire and grow. But it is not perfect, I repeat. As with any other piece of legislation, there are ways we can improve it. On this bill, there are many ways we can improve it. I am sorry we cannot do more.

To that end, the Senate will consider two germane amendments to this IPO bill that will protect investors and prevent fraud.

The first amendment is sponsored by Senator MERKLEY and others. It deals with companies that raise capital online from small investors. This amendment will ensure that watchdogs are in place to protect the small investors and their money from fraudulent companies and abuse of the system.

People are lurking out there waiting for ways to cheat. I am sorry, but it is true. These are people who are either amoral or immoral, looking for opportunities to make money. I appreciate very much the work that a number of Senators have put into this amendment. It is an important amendment, and it is so important to improving this bill. You will hear much more this afternoon from the sponsors of the amendment about why it is so important.

The second amendment is sponsored by Senator REED of Rhode Island. All Senators have stature, but JACK REED, with his military background, his experience in the House, and his experience in the Senate, is a man we all look to for leadership. His amendment will ensure fair and honest disclosure by companies raising capital. It will stop businesses from gaming the system and avoiding oversight by hiding thousands—or maybe tens of thousands—of investors. This will stop when this amendment passes.

Democrats and Republicans agree that we need to pass the IPO bill and make it easier for American companies to raise capital, to grow operations, and to hire new workers, but we must do so in a way that balances the needs and rights of investors and prevents fraud and abuse.

These two amendments will accomplish that. These two amendments are not going to make the bill perfect, but it will be a lot better.

While the IPO measure before the Senate today is an important piece of legislation, experts agree its impact on job creation will be somewhat limited.

This legislation is something that is before this body. Yesterday, Senate Republicans blocked a bill that would create, in 1 year, as it did this year that we are in, 300,000 jobs. It is hard to comprehend, but people who sponsored the amendment voted against it. But this isn't anything new. I think it is such callous disregard for what is fair and right.

The Republican leader has been talking nonstop about how important it is for Congress to continue to create jobs. So I am disappointed—and that is an understatement—that yesterday Senate Republicans, led by my friend the Republican leader, rejected an opportunity to help American exporters grow and hire.

The Ex-Im Bank helps American exporters compete in a global economy, and it has always enjoyed broad, bipartisan support—until this Republican minority stepped in here. The last time it was offered, in 2006, a Republican offered it. It got unanimous consent to pass. This legislation has been going since the 1930s. It is backed by the National Association of Manufacturers, the Chamber of Commerce, the Business Roundtable, and labor unions. All my Republican friends can explain to the Chamber of Commerce, the National Association of Manufacturers, and the Business Roundtable that not only did they kill this bill but they stopped the deficit from going down by $1 billion, because the Ex-Im Bank bill reduces the deficit by $1 billion. Of course, it had Republican cosponsors.

In fact, my Republican colleagues, including many who voted against this amendment yesterday, admitted they support the legislation. I had a number of Senators come to me saying, we like it. As I said yesterday in my remarks, they are voting against a bill they say they like. The Republican leader said a number of things yesterday, but he said he wanted to vote down this worthy proposal because he wants to pass it separately.

We understand what is going on here. The Republican-dominated House of Representatives wants to send over here a hollow shell of the Ex-Im Bank, and they would look to us and say that we now have an Ex-Im Bank bill. What they have come up with is so foolish, and that is a good description of it. Their offer is hollow. They want to appear to support the Ex-Im Bank and at the same time kill it.

Democrats actually do support the Ex-Im Bank, and we made that very clear to everybody and voted accordingly. We want it to become law.

House Republicans have shown no desire to even consider this important jobs measure—let alone pass it. The only way to ensure the Ex-Im Bank can continue to help American companies grow and create jobs is for the Senate to attach it to this IPO bill, and that failed.

Yesterday, Senate Republicans had an opportunity to join with Democrats to create hundreds of thousands of jobs in this country over the next many years. They passed up that opportunity. Once again, they chose to pick an unnecessary fight instead. They want to fight over even things they agree with. How do you like that one? They love this bill, but they want to fight about it.

Our No. 1 priority is to create jobs, and we have shown that. It is obvious that the Republicans don't have their priorities straight. But this is something we have had to live with.

We are going to work with the minority to come up with a time to have a vote. The time expires around 6 o'clock tonight. Because of a number of things going on here today, I hope we can have a vote earlier than that. We will do our best to work with the Republican leader to try to come up with a vote. There will be three votes: Merkley, Reed, and final passage.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. TESTER. Mr. President, I ask to speak for up to 10 minutes, with Senator MERKLEY following me.

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

Mr. TESTER. Mr. President, I rise to speak in strong support of the capital formation bill that we received cloture on a few minutes ago.

In a place where we too often get bogged down by politics, this legislation reflects a strong, bipartisan commitment to creating jobs by ensuring that small businesses have access to critical capital that they need. This legislation has tremendous potential to create jobs and spur economic growth and innovation. The key component to achieving all of these goals is ensuring that small businesses have access to the capital they need to grow their businesses and create jobs.

This legislation is a rare instance in Congress where both Chambers in both parties come together to focus on this Nation's most urgent priority, and that is jobs. The President has already expressed his support for it. So let's get this bill done and off to him for his signature.

Over the past few years, I have held 12 small business opportunity workshops all over the State of Montana. Without a doubt, access to capital is always one of the most critical issues that I hear from small business owners. Access to capital makes all the difference for a small business. If the money is there, so is the expansion; so is the capacity to do more research and development; so is the next great idea. Without capital, though, there is no growth, no risk-taking, and there are no jobs.

Montana is a State of entrepreneurs. It is a frontier State. It has a tradition of self-reliance, which is clearly reflected in the entrepreneurs and the successful and innovative small businesses they have created and grown in this great State. They clearly reflect America's entrepreneurial spirit, which helps keep rural America strong and makes our economy the most innovative in the world.

Our small businesses in Montana vary from family farms, ranches, and one-man manufacturing shops, to innovative biotech companies and cutting-edge information analytics firms. Many of these newer firms have the opportunity to change the landscape when it comes to diversifying Montana's economy.

According to research from the Kauffman Foundation, nearly all net jobs created since 1980 have come from firms 5 years or younger. The role of startups in creating jobs and driving innovation has been well documented, but that ability to create jobs is limited if these firms do not have access to financing to scale and to grow their companies. So central to job creation is making sure investors and capital markets are accessible for startups.

Because of this potential for growth, we need to do all we can to empower these businesses with the tools they need to survive and thrive at every stage of their development. These young companies must be able to access the capital they need to bring innovative ideas and products to the marketplace.

Back in July I held the first of a series of hearings in the Banking Committee to examine the challenges and opportunities facing innovative small businesses as they try to access capital. A major take-away from the hearing was the need to ensure that capital markets remain within reach of startups at various stages of their development, particularly in the stages before they may be ready to go public.

A key recommendation offered at the hearing came from Rob Bargatze of Ligocyte Pharmaceuticals in Bozeman, MT. He said we should take a closer look at updating SEC regulation A to better enable small businesses to raise capital through these public offerings. The regulation A exemption was created in the Securities Act of 1933 to provide small companies with an opportunity to raise capital without being subject to full registration with the SEC.

Ligocyte is developing a new norovirus vaccine with the potential to prevent hospitalization and save significant health care costs—and to create those jobs of the future. Working through the FDA approval process is not easy. It requires years of hard work and tens of millions of dollars. It can be tough for any company to stick it out for that long or for that much money, but for a small firm in Bozeman, MT, it can be especially difficult. Access to capital to fund their clinical trials will be the determining factor in their ability to gain FDA approval.

Back in September, Senator TOOMEY and I introduced the Small Company Capital Formation Act to update regulation A by increasing the total amount of capital that can be raised through these offerings to $50 million, while protecting new investors. Currently, the businesses can only raise $5 million under regulation A—a limit that has not been updated in nearly 20 years and one that many view as too low to be a valuable tool in raising capital.

The bill maintains the most attractive elements of regulation A, including the ability for issuers to test the waters before registering with the SEC. It also preserves the nonrestricted status of securities sold through a reg A offering so that these securities can be resold to investors after the initial offering.

New investor protections include a requirement that issuers file an audited financial statement with the SEC—a requirement that has been included in the legislation that I introduced as well as the House bill before us today. The bill also directs the SEC to establish additional disclosure requirements and requires issuers to electronically file offering statements with the Commission.

Additionally, the bill subjects those offering or selling securities under regulation A to negligence-based liability under section 12(a)(2), and it includes disqualification provisions to prevent bad actors from making these offerings in a way that is consistent with Dodd-Frank.

From what I have heard said about the House version of regulation A, you would presume none of these investor protections are included. Let me clarify that the bill I introduced with Senator TOOMEY, S. 1544, is identical to the language included in the House bill, H.R. 3606, that is before us today.

The truth is that the substitute amendment that was voted on yesterday made very minor changes to this portion of the House bill, such as changing a ''may'' to a ''shall'' and adding a study by the SEC 5 years after implementation of these changes.

We should have been able to pass this bill by a voice vote here in the Senate since this bill has enjoyed strong bipartisan support in the Senate, with six bipartisan cosponsors. Regardless of that, I am pleased that this balanced bill also enjoyed a 420-to-1 vote in the House—420 for, 1 against. Imagine that—all but one voting Member of the House of Representatives agree on this bill.

I would also note the SEC's recently released recommendation from its Forum on Small Business Capital Formation increasing the regulation A exemption to $50 million was one of the top recommendations at this forum.

By the way, this is an idea which has been in the SEC's Forum on Small Business Capital Formation recommendations almost every year since 1993, the year after the limit was last raised to $5 million. So the idea that this is some risky new idea is not correct. In fact, at a briefing with the SEC a few weeks ago, SEC lawyers suggested that there was absolutely nothing scary about S. 1544 and that they felt very comfortable with the existing investor protections included in that bill.

The bottom line is that I am thrilled we will finally have an opportunity to pass this legislation—hopefully very soon—and get it to the President's desk.

What does this legislation mean for Montana entrepreneurs? Let me cite a few examples.

For Brett Baker, president and CEO of Microbion Corporation in Bozeman, lifting the cap on regulation A offerings will provide him with broader opportunities to raise capital. Instead of worrying about where the next phase of financing will come from, he can focus on discovery and research, working with the Department of Defense to use compounds Microbion discovered to treat antibiotic-resistant wounds. These changes will also allow a company such as Microbion to access capital at an earlier stage without diluting its earlier investors who believed in them from the earliest days of that company. And raising capital publicly through regulation A would also give folks in Bozeman who know about the company an opportunity to share in its success, something that is not possible now unless they are an accredited investor.

More broadly, this legislation is going to provide small businesses in Montana's emerging data and biotech industries with new tools and options to access capital at different stages of development, and it will also provide necessary updates to existing regulations. For example, changes to the SEC's 500 shareholder rule would ensure companies, such as investment brokerage D.A. Davidson in Great Falls, can continue to provide their employees with stock in the company without having to go through a costly and time-consuming registration process with the SEC. This Montana-grown company dates back over 75 years and has always believed in rewarding its employees so they can have a stake in the success of the firm, which now operates in 16 States. Without these changes, a company such as D.A. Davidson would be faced with the choice of costly public registration or potentially eliminating existing employee shareholders.

For companies such as Rivertop Renewables in Missoula, this legislation will provide them with an onramp to going public if that is an option they choose to take one day. Rivertop has begun full-scale production of their groundbreaking green biochemical products used in commercial products such as dishwashing detergents and deicer. These changes will ensure that Rivertop will have multiple strategies at their disposal so they can go public at a time that is right for them and take advantage of the public markets as they continue commercialization of their products.

For Lance Trebesch of ticketprinting.com and Ticket River, this legislation will enable him to grow his ticket printing, event management, and online ticket printing firm. Since 1997 this company has expanded its reach internationally, with over 25 employees in Bozeman and Harlowton, MT.

This bill will ensure that entrepreneurs across the State of Montana will have a whole new set of tools at their disposal so they can make smart decisions about their future to develop and expand their businesses. They will have more choices and better access to capital markets, which should also give them more leeway to create and innovate.

We have seen ecosystems of support for small businesses such as these as they spring up in virtually every county in Montana. Obviously, the success of these companies has implications for job creation and growth, but there are also tremendous opportunities for innovation.

It is not surprising that in Montana so many startups have located near universities in Missoula and Bozeman. In fact, many of these firms got their start with discoveries in the labs at Montana State and the University of Montana. With this legislation, the possibilities are endless for Montana and for entrepreneurs and innovators across Montana and this Nation.

Mr. President, I look forward to voting on this legislation and getting it to the President for his signature.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent that at the conclusion of the remarks of Senator MERKLEY and Senator BENNET, I be recognized.

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

Mr. REED. I thank the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 1884

Mr. MERKLEY. Mr. President, I rise to speak to amendment No. 1884. Specifically, this is the crowdfunding amendment. That might be a term that is new to many, so let me explain.

The Internet provides new opportunities for capital to reach small businesses and startup entrepreneurs, and what this crowdfunding amendment does is to say that when the crowd; that is, all of those who are surfing the Internet, goes to a funding portal on the Internet, a Web site, to support a company, to invest in a company, there is an orderly process that adequately facilitates this type of opportunity while providing fundamental investor protections. So this will be an effective instrument of capital formation because, indeed, if crowdfunding becomes a situation where inaccurate information is put forward, where there is no

accountability, where there are pump-and-dump schemes, then the reputation of crowdfunding will be deeply damaged and the opportunity for capital formation will be equally affected.

This follows on a model that is already on the Internet in some other contexts. For example, you can visit a Web site called kickstarter.com, and you as an individual can look at a host of concepts that are being put forward for social and artistic activities across this country. You can say: Yes, I want to help that artist build that sculpture or so on and so forth. They may say how much money they want to raise, and you would decide what you want to donate. That is a donation model. You also can go to Web sites such as prosper.com or kiva.com, and these are peer-to-peer lending Web sites. If you go to prosper.com, you will see a whole list of folks who are saying: Yes, I want to consolidate my credit cards, I would like to borrow X amount and I am offering an interest rate of such-and-such, and here is a little bit of background, and you can decide if you want to lend to that individual or not. That is peer-to-peer lending.

Well, what crowdfunding does is to create an equal opportunity for folks to invest in early-stage businesses, startup businesses, small businesses. Imagine, for example, you run into someone at a cafe who says: I have this new idea for a coffee shop called Starbucks. I am going to call it Starbucks. Would you like to help me launch this?

And you say: Well, another coffee shop—I don't know if the world needs another coffee shop.

Maybe you jump in and maybe you don't. Then years later, you say: Oh, I should have seized that opportunity.

Well, through a crowdfunding portal, you get to hear those stories. You get to read those stories being presented by folks from across the country about their efforts, and you can decide if you want to participate.

Now, crowdfunding is in the larger capital formation bill that comes to us from the House, but that particular formulation is deeply flawed, and I am going to walk through a series of differences between the House bill and the Senate bill for my colleagues so they can understand why we need to pass amendment 1884.

The first factor is that the House bill does not require someone listing themselves or asking for startup money to provide any financial information. Well, that is a huge mistake. If there is no information, there is nothing to guide, if you will, the wisdom of the crowd.

What we do in this Senate amendment is to create a simplified format. If you are seeking less than $100,000, then your CEO simply certifies what the financials are for the company. If you are seeking from $100,000 to $500,000, then you need to have a CPA review the financial statements. If you are seeking more than $500,000, then you need to have audited financial statements. So, as the amount of money you are asking for increases, the degree to which you need to do due diligence financially and present the details increases as well.

There is certainly nothing that would prevent a particular Web site from establishing its own standards above and beyond these particular levels.

A second thing is it is critical there be accountability for the accuracy of the information. The House bill not only doesn't even require information, but they put out information and there is no accountability. Basically, it is an invitation to spin any story one likes.

What the Senate bill says is, in order for this capital market to work well one has to stand behind the accuracy of their information. It has basic liability accountability; that is, as a director or officer of this organization, they are standing behind the accuracy of what they put out. It has a due diligence protection so this is very balanced. It has a requirement that the information be relevant or germane to the conduct of the company. So that is another protection for the business itself. So it is balanced between the two. But this can give investors a basic belief that what is being set up are reasonable amounts of information proportional to the request and that the officers and directors are standing behind this information. That creates the foundation for an effective marketplace.

A third distinction between the House bill and our amendment No. 1884 is the House bill does not require companies to go through an intermediary. In other words, under the House bill, if someone wants to promote their company, they can simply put out an e-mail. An e-mail can say anything they want because they are not responsible for the accuracy, and they can send it to everyone in the world. They can proceed to put up popup ads that simply promote their company—again, with no accuracy required. But by creating an Internet intermediary and that intermediary has to register, we create a streamlined formulation so they have a funding portal registration much simpler than a broker dealer. But in doing so, they agree they are not going to take any position on the various investment opportunities they are listing. So you truly are the marketplace. They are not saying, by the way, that particular offering by that company is a sweet deal. They can't pump it; they can't favor it. So you are a neutral marketplace, again, enabling the investor to know they are getting straightforward information, not something that is spun.

Another distinction is the House bill has no aggregate caps. The result of that is that a person could lose their entire life savings in one fell swoop. The Senate bill puts on very reasonable proportional caps that say if one's income is $40,000 or less, their cap is $2,000; if they are between $40,000 and $100,000, their cap is 5 percent of their annual income; if they are over $100,000, it is 10 percent. So it allows for larger amounts of money from those who have much higher incomes but provides basic aggregate cap protections so we don't end up with folks who are on public services because they were swindled out of everything they had.

Another key distinction is that under the House bill one can list their offering and close their offering within a single day, which provides absolutely no feedback loop for any type of detected deception. Under the Senate bill, we create a 3-week period from one's listing to their closing. So one lists their idea. If enough people sign up to reach one's funding request level—say one has requested to raise $600,000. If enough people sign up and they are investing $100,000 here, $1,000 there that one reaches their goal, as soon as the 21-day period expires, then they close. So that does give time for some sort of feedback loops regarding any sort of fraudulent activity.

Another distinction is that the House bill allows a company to pay promoters and not disclose it. That is called pumping. If one has ever seen the movie ''Boiler Room,'' one can see a basic classic pump-and-dump scheme, where a roomful of folks on the phone are calling people, cold-calling them, and they are saying: Hey, I am calling because I am giving you this incredible investment opportunity and here is the story. They can say anything they want and they can talk people into buying that stock and then the stock is actually being purchased from the folks who own the boiler room. Then, as soon as they sell all the stock they have, they quit making phone calls, the value of the stock drops, and everybody who invested loses out. That is a classic boiler room. That is a classic pump and dump. The House bill allows paid promotion with no disclosure.

The Senate bill says if they are going to get on the blog's site within a Web site portal and say favorable things about a stock and if they are paid by the company to do it, they have to disclose that. They simply say: Hey, I am employed by such and such, but I want to bring to your attention some merits of this. But at least the public knows where they are coming from.

Another essential issue is the issue of dilution. Dilution is not a solution in this world; it is a problem. Those are folks who get in on the front end and think: I got in on this idea early. I am going to benefit from having made this effort, and find out later a bigger investor came in and the stock was diluted in a fashion in which they are basically written out of their share of the ownership. So the Senate bill directs the SEC to provide investor protections in this area.

These are key distinctions. These are the distinctions between a solid foundation for capital formation in this incredibly exciting new opportunity, new

market, and simply a path to predatory schemes that the House is providing. That is why I am encouraging my colleagues to support the amendment Senator BENNET, who will be speaking next, and I have put together and a number of our colleagues have joined us, including Senator LANDRIEU and Senator SCOTT BROWN. This is a credible foundation for an exciting idea.

Let me close with this notion; that is, that across America, Americans have $17 trillion invested in their retirement accounts. If they were to put 1 percent of those funds into this type of crowdfunding startup, they would be providing $170 billion of investment potential for small companies and startup companies. That is an incredibly powerful potential form of capital to put America forward. It is small businesses that create most of the jobs, and this capital formation idea will help in that. Let's get it done.

I certainly deeply appreciate the contributions of my colleague from Colorado, Senator BENNET, who will make his points.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Mr. President, I wish to recognize the Senator from Oregon, Mr. MERKLEY, for his leadership on this issue and for his willingness, when times got tough, to dig even deeper and make sure we get to the balanced approach that is reflected in this amendment. It is a bipartisan amendment, which around this place I think is worthy of all of us taking a moment to recognize, and it is an amendment the people who know most about crowdfunding support. I wish to read several paragraphs from some of those folks.

From Launcht, which is a crowdfunding platform, they note that our compromise:

> [i]s important because, unlike previous bills, for the first time, we have a Senate bill with bipartisan sponsorship, a balance of state oversight and federal uniformity, industry standard investor protections, and workable funding caps.

From the National Small Business Association, we hear that our compromise:

> [w]ould promote entrepreneurship, job creation and economic growth by making it much easier for small companies to raise capital and get new ideas off the ground. This legislation represents a reasonable effort to accommodate differing points of view and to move this important idea forward.

One prominent investor protection advocate wrote that:

> [t]he CROWDFUND Act addresses this concern by providing significant regulatory relief to very small issuers without unreasonably compromising the investor protection provisions on which the federal securities laws are grounded and the long-term success of the U.S. securities markets has been based.

The Senator from Oregon did an excellent job of describing the provisions in this bill, so I am not going to go over that ground again. But I do wish to talk for a moment before I yield to the Senator from Rhode Island about what it is we are trying to solve. Too often I think we don't ask ourselves what the nature of the problem is we are trying to solve before we actually set about solving it, and then—no surprise—we end up actually making matters worse.

In my townhalls the chief concern of the people who come is that median family income has continued to decline in this country. For the first time in this country's history, the middle class is earning less at the end of the decade than they were at the beginning of the decade. That has never happened before in the United States.

So person after person has come and said: MICHAEL, I have done what I was supposed to do. I kept working at my job. Nobody said I didn't do a good job. But my wage is actually less in real dollars today than it was at the beginning of the decade, but the cost of health insurance continues to go up, the cost of college. I have had at least half a dozen people say to me they cannot afford to send their kid to the best college they got into. I can't think of anything that is more of a waste of our productivity than that.

The essential problem we are facing in this economy is structural. Our gross domestic product, believe it or not, as we stand here, is higher than it was when we went into this recession, the worst recession since the Great Depression. Productivity is also way up. The efficiency with which we are driving that economic growth is way up because we have had to respond to competition from abroad. We can't take anything for granted anymore. We have employed technology to drive productivity from the cotton pickers in my wife's hometown to the largest Fortune 500 companies that we have, and we have 23 or 24 million people who are either unemployed or underemployed in this economy.

The economic output is back, but it has decoupled from wages and it has decoupled from job growth and that was true before we went into the worst recession. You see, the last period of economic growth in this country's history is the first time our economy grew and wages fell, that our economy grew and that we lost jobs. It was a decoupling of economic growth from wage growth and from job growth. There is something terribly wrong with that picture, and it is creating an enormous downward pressure on the middle class in this country.

There are a bunch of things we need to do, but there are two major things that I think we need to do; one is, we need to educate our people for the 21st century. The worst the unemployment rate ever got for people with a college degree in the worst recession since the Great Depression, the one we just went through, was 4.5 percent. That is a pretty good stress test, it seems to me, of the value of a college education in the 21st century. But as a country today, if someone is a child living in poverty, their chances of getting a college degree are 9 in 100. If we don't change the way we educate people in this country, we will continue to see 91 of 100 children living in poverty constrained to the margin of our economy and the margin of this democracy. That is an important piece of work. We have a vital national interest in that, and we are not paying attention to it here.

But also we have to create the conditions in this country where we are driving innovation and driving job growth because the days of just expecting the largest companies in this country to create jobs are over. The jobs that went away in the 20th century, many of them are not coming back in the 21st century. It is about businesses that are started tomorrow and next week and the week after that and the month after that. In order to create those sorts of conditions, the amendment we have presented, this crowdfunding amendment, could unleash billions of dollars, as the Senator from Oregon said, of local investment, investment on Main Street—or on someone else's Main Street through the Internet—that could allow people with great innovative ideas for the first time to raise capital from our middle class and from other people who would like to participate in this kind of new business venture.

This is not all we need to do. There are many things we need to do, and I think there are things in this overall bill we need to fix. But this bipartisan amendment represents a real step forward. As we look to the future, it is the reason we need to do comprehensive tax reform in this Congress. It is the reason we need to fundamentally think differently in this Congress about our regulations. We should be asking ourselves the question: Are we more or less likely to be creating jobs in the United States with rising wages? I think we should put the politics of this aside because there isn't a person in this Chamber who doesn't want to do this. We start, though, with the recognition that we have structural issues we need to resolve.

I hope everybody who hasn't had the chance to get a look at the amendment will look at it. I hope people on both sides of the aisle will support this amendment. I am very pleased it is bipartisan, with Senator MERKLEY and Senator BROWN, and I look forward to voting on this amendment this afternoon.

I see the Senator from Rhode Island is here. I thank him for his leadership on this legislation, and I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I commend Senator MERKLEY and Senator BENNET for their extraordinary work, indeed, in collaboration I believe with our colleague Senator BROWN from Massachusetts to make significant improvements in the crowdfunding provisions

of the House bill. As Senator BENNET and Senator MERKLEY have indicated, this represents a potentially very productive way to raise capital, and they have provided protections that will ensure investors in this process are not disadvantaged, and I commend them for that.

It addresses one of the significant issues in the House bill but, frankly, not all the significant issues. There are some extremely glaring, I think, provisions in the House bill that we attempted to address in the Reed-Landrieu-Levin substitute. That substitute amendment, although it received a majority of votes, did not receive enough to achieve cloture to be the bill we are now considering. We are now considering the House bill.

I have an amendment to that House bill that addresses one of several difficulties with the House legislation. Investors, when they buy stock in public companies, expect routine disclosures. They expect to know on a quarterly basis, and in a very real sense on an annual basis, what is the company doing? What are the prospects of the company? All that goes hand in hand with the widely dispersed ownership of a public company. The House legislation would allow many companies with a substantial number of beneficial shareholders, the actual owners, the real owners of the stock, the ones who can vote the stock, the ones who get the dividends, the ones who vote on the proxies or directly for the leadership of the corporation—it would allow them to remain dark. This might be appropriate for some companies that have a relatively small base of real owners, but the way the House has drafted this legislation it could risk allowing a significant number of larger companies to go or remain dark.

The Securities Exchange Act of 1934 set up a system of public reporting. Beginning in 1964, the SEC required that companies with at least 500 holders of record—and at least $10 million in assets, to follow the routine reporting requirements under the securities laws. The decision was made that at that point a company does have a size that is adequate and necessary so that they should be disclosing.

The issue that is motivating the House is this 500-person requirement. It was adopted, as I said, in 1964. There is a sense that the limit is probably too low. The House version is 2,000. We make no attempt to change the House limit of 2,000 now, the new limit. But what we want to be sure of is that the individuals who are being counted are not the record holders, they are the real owners, the beneficial owners. In fact, many companies are very astute and assiduous in assuring that these record holders fall beneath this 500 level.

There are many large companies, well-known companies, as I mentioned in my previously remarks, that have thousands of beneficial owners but still have, on their own records, less than 500 holders of record. The SEC defines record holders as ''each person who is identified as the owner of such securities on records of the security holders maintained by or on behalf of the issuer.''

Holder of record is very direct. It is the shareholders who are recorded as such on the books of the company. This is where the term ''beneficial owner'' comes from. In such instances, the shares are held of record by a third party, usually a broker, on behalf of the shareholder. For example—and this is one of many examples—if you buy shares from Charles Schwab, that discount brokerage firm would likely serve as the record holder and you would be the beneficial owner. It is your money; you paid for it. It is your vote because you are a beneficial owner. It is your right to sell the shares. But as far as the company is concerned, the holder of record is the broker, Charles Schwab.

I think we have all been familiar and all received in the mail a big package of proxy materials from our broker. It is not, in many cases, directly from the company. It is from the Wells Fargo Advisors, it is from Schwab Advisors, et cetera, because they are on the records of the company as the ones who are the record holders. They distribute the material to beneficial owners.

The consequence is that for companies that may have a very few or relatively few record holders, they have thousands and thousands of beneficial owners. Those are the individuals who will lose out if the company decides, under the House bill, to suddenly go or remain dark, to avoid public reporting.

As I have indicated before, most investors today do so through intermediaries—through brokers, through others. As a result, they would not necessarily be counted as a record holder. Record holders—the brokers, the large entities—are increasingly purely passthroughs. They are agents with no economic interest in the company, no voting rights. Those are held by the beneficial owners. That is why I believe that beneficial ownership should be the test for whether companies have to report under the Securities Exchange Act. It should encompass those who have the power to sell and/or the power to vote the shares. They are the actual shareholders. They are the individuals who management is committed by fiduciary duties to work for. So I think it is appropriate that when we raise this level to 2,000 we also ensure that it is not simply record holders, it is the beneficial owners—the real owners, for want of another term.

There also could be, for example, two identical companies with identical numbers of beneficial owners but they might have different numbers of record holders because of the way the shares are held—in trust or by a broker, et cetera. And one company reporting and one not reporting does not seem to be to be a fair or efficient way to do business.

Companies already have to obtain numbers of beneficial owners from brokers and banks in order to know how many copies of annual reports and proxy materials they have to print, so every company knows about how many beneficial numbers they have. They have to provide the proxy material through the brokerage or bank to the beneficial owners, so they know very well—in fact, quite precisely—their beneficial ownership, their real shareholders.

But using record level as the trigger to remain private, to avoid public reporting, to me again is the wrong approach. My amendment would clarify the definition in this new shareholder threshold section of the underlying bill, and ensure that companies are not avoiding these public reporting requirements by using a threshold of 2,000 record holders if they have 2,000 or fewer beneficial owners. If this is a truly small business that has 1,500 individual shareholders, beneficial owners, and they want to remain dark—that seems to be something that we certainly would countenance, and with my language it would be possible to do so.

I think this approach makes it fair for everyone. It also doesn't frustrate the expectations of a person who buys a share of nationally known stock that is publicly reported and gets a 10–Q and every year the 10–K, and suddenly they don't get anything. They wonder what is going on at the company. Maybe the company merges with another company, creates a new company, and now has less than 2000 holders of record. I think that is not an approach we should countenance. I think transparency and accurate information are critical to the success of our capital markets, and I think this legislation will do that. Requiring quarterly reporting of firms with a large number of shareholders—real shareholders, beneficial shareholders—protects investors while at the same time improving overall market transparency and efficiency. From this information, those individual analysts and brokers who follow companies are able to determine their recommendations, are able to advise clients that you should buy this company, it is a good company.

When the company goes dark, that information source dries up and it is harder for individuals, brokers, investment advisors to give advice. I think this would not be helpful to the market. In fact, I think it might, ironically, impede capital formation, not facilitate capital formation.

There is one important point that has to be stressed, and that is my amendment does not affect the employee exemption in the underlying bill. The House bill has a blanket exemption for counting owners of the company for employees. We have reviewed this exemption in our legislation with eminent experts, including Prof. John Coates at Harvard Law School, and he concurs that employees would not be swept up into being

counted because they happen to receive compensation through stock in their company.

There are many companies—WaWa, Wegmans—that want to have active employee participation in the company through stock plans but are private companies and want to remain private. This should allow them to do so.

Again, my legislation makes no attempt to change the underlying House bill, which gives a very broad blanket exemption for employees, who are exempted from the shareholder threshold.

There is another aspect here, too, and that is ESOPs, employee stock option plans, because they do acquire stock on behalf of employees. We specifically asked Professor Coates, one of the preeminent experts in securities law, whether this would inadvertently trigger or inadvertently complicate the beneficial ownership rule. His opinion is that ESOPs typically count as one record holder and one beneficial owner because they do not pass through the votes or the right to direct sales. They do not have the characteristics which are typical of the beneficial owner: the right to vote and the right to sell the stock. They maintain those rights. They do not delegate those to the individual employees who might be part of the pool. So Professor Coates' view is that ESOPs also would be exempt from being counted, if you will, as more than one entity.

We have also reached out to the Securities and Exchange Commission and we have received some assurances, from talking to Meredith Cross of the SEC, that, given their rulemaking power, they have within the ambit of their power in implementing this legislation the ability to clarify any of these points. So that not just employees who receive stock through an employee plan, but an ESOP and other entities that hold stock—not on behalf of their investors but have the right as an entity such as a venture capital fund or a private equity fund—have the right at that fund level to vote and to direct the sale of the shares and receive the dividends—that they, too, would be counted as one entity.

Professor Coates, as I said, believes this will not affect the venture capital/private equity firm structures, which would typically count as one shareholder, whether of record or beneficially. The VC firm or PE firm does not pass through votes or the right to direct sales to its own investors, and the same might be said with mutual funds, pension funds, et cetera—the primary passthrough which would be counted as brokers and banks, who hold on behalf of beneficial owners.

What we have, I think, is legislation that recognizes the need to increase the number adopted in 1964, but also to recognize that the real owners of companies far exceed, in many cases, the holders or record, and that these real owners depend upon the routine reporting that is required under the Securities Exchange Act so they can be informed, so they can follow their stock. Indeed, the analysts who look closely at these companies, who make recommendations to buy and sell, also need this type of information. For this reason I have proposed this amendment. I think it is something that improves the bill. It was included in our substitute which did not receive 60 votes to pass cloture but did receive the majority of votes in this body. I think it is something, again, that will improve this legislation. I would not hesitate to add that many more improvements are necessary, but certainly this would be an improvement.

I would note the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. 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. BARRASSO. Mr. President, I ask unanimous consent to enter into a colloquy with my Republican colleagues for 30 minutes.

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

HEALTH CARE

Mr. BARRASSO. Mr. President, on the Senate floor this morning Senator DURBIN called on Republican Members to offer to give up what he called their Federal health care. I heard his comments, and he makes an interesting argument. But, once again, Democrats in the Senate are ignoring history, as the Senator did today. They are ignoring the facts and ignoring the Democrats' record on this issue.

The truth is, Republicans in this body have already offered to give up their health insurance coverage. In fact, here is the rest of the story:

During the debate on the health care law—almost 2 years ago today—Republicans offered to forego their private coverage and instead enroll all Members of Congress in Medicaid, the government's safety-net program for low-income individuals. The Democrats in this body unanimously rejected this idea. Every Democrat voted no. This was on an amendment by former Senator LeMieux from Florida, an amendment that asked to enroll all Members of Congress in the Medicaid Program. Yet at least 50 percent of the newly covered individuals under the Democrats' new law are going to get coverage, and they will get their coverage through Medicaid.

So the President's solution for health care in this country is to put 50 percent of the newly covered individuals under Medicaid. Yet the Democratic Members of the Senate unanimously voted no. If Democrats believe Medicaid is good enough for the 24 million people they will soon force onto the rolls, my question is, Why isn't it good enough for the Democratic Members of Congress?

So I am joined today by my colleagues on the Senate floor who continue to raise questions about the health care law and so many broken promises made by this President. I am fortunate to be joined by a senior member of the Senate Finance Committee, Senator GRASSLEY.

I would ask my colleague from Iowa, as a senior member of the Senate Finance Committee, who spent a lot of time studying and debating President Obama's health care law, my question to the Senator is, Do you think the President's promises match the reality?

Mr. GRASSLEY. I say to the Senator from Wyoming, definitely not, and Americans are seeing every day that is not the case. If I could respond a little bit more in length, I would go back to 1994 and point out a problem President Clinton had, and in turn that President Obama tried to avoid about 14 years later. It was in 1994 that the health care reform issue came before the Congress—promoted by President Clinton at that time—and it failed in large part because it fundamentally changed the health care coverage for nearly every American.

We know the bill that is now law has fundamentally changed, but President Obama, in 2009—and throughout his campaign in 2008—decided he would combat the failure of the Clinton administration on health care reform, and not being successful there, by repeating over and over to Americans: ''If you like what you have, you can keep it.'' That is basically what we heard at least 47 different times while the bill on health care reform was being debated.

We heard that from the President himself. We probably heard it from Members of this Congress hundreds of times. While it may have been politically useful to make that promise to the American people, it remains a promise he cannot keep and he did not keep.

The fact is, millions of Americans are seeing changes in their existing health plans due to the health reform law. So, basically, when the President said, ''if you like what you have, you can keep it,'' it is not turning out that way, and Americans are seeing it every day.

The administration's regulations governing so-called ''grandfathered health plans'' will force most firms—up to 80 percent of the small businesses—to give up their current health care programs, and that is happening fairly regularly. When those businesses lose their grandfathered status, they immediately become subject to costly new mandates and increased premiums that follow. So the economics of health care costs and health care insurance dictate that people are not going to be able to keep what they have, as the President promised.

Families in 17 States no longer have access to child-only plans as a result of

the health care law. So if you were a voter in 2008, and the President said to you ''if you like what you have, you can keep it,'' and you wanted only health insurance for your children, you cannot do that today in these 17 States. It is not known how many families who lost coverage for their children because of the law have been able to find an affordable replacement.

Medicare Advantage covers about 20 percent of the senior citizens of America. There is a study that shows the Medicare Advantage enrollment is going to be cut in half. The choices available to seniors are going to be reduced by two-thirds. Then there is the open question about Americans who receive their health care through large employers. The CBO recently released a report that constructed a scenario where as many as 20 million Americans could lose their employer coverage.

While I acknowledge that the Congressional Budget Office report provided the number that I just mentioned as only one possible scenario, there are many who believe that is very plausible given the incentives in the health care law created for large businesses.

So I say to the Senator from Wyoming, 47 times—just while we were debating it; I don't know how many times during the campaign—this President said, ''If you like what you have, you can keep it.'' It is a promise that was not kept.

Mr. BARRASSO. Well, I say to my colleague from Iowa, it is interesting that we take a look at this and so many promises that reflect one specific promise, ''if you like what you have, you can keep it.''

I practiced orthopedic surgery for 25 years, taking care of families in Wyoming. Many of those families included family members who were on Medicare, the program for our seniors. Senator GRASSLEY has made some reference in his earlier comments about seniors, people who are on Medicare, people who are having a harder time finding a doctor. This health care law clearly had an impact on seniors as well.

So I would ask my colleague from Iowa, are there specific things the Senator has been hearing as he travels around the State and visits with folks at home in terms of perhaps promises made specifically to seniors and those broken promises related to Medicare?

Mr. GRASSLEY. That is not only a promise that has been broken, that is a promise that is very easy to quantify because, on July 29, 2009, during the consideration of this health care reform law, the President said:

> Medicare is a government program. But don't worry: I'm not going to touch it.

So let's take a look at the health care law and see if that promise was kept. The health care law made significant cuts in Medicare programs. This is what we can quantify in dollars and cents.

On April 22, 2010, the Chief Actuary of Medicare analyzed the law and found that it would cut Medicare by $575 billion over 10 years. The President said, about Medicare, as I told you, ''I'm not going to touch it.'' But the President has touched it in a big way: $575 billion out of Medicare.

Medicare is on a path to go broke by 2021; $575 billion is not going to guarantee Medicare for everybody in the future. We have to reform and change Medicare if that promise is going to be kept. We all want to do that, but the President has made that more difficult.

The Congressional Budget Office wrote that over $500 billion in Medicare reductions ''would not enhance the ability of the government to pay for future Medicare benefits.'' You know what the President said during the debate on this bill: ''I'm not going to touch it.'' But he has touched it in a big way.

The Chief Actuary had this to say about the Medicare reductions:

> Providers—
>
> Meaning hospitals and doctors—
>
> Providers for whom Medicare constitutes a substantive portion of their business could find it difficult to remain profitable and, absent legislative intervention, might end their participation in the program.

So not only touching 500-and-some billion dollars, but also touching it in a way of limiting access for senior citizens of America when the President said, ''I'm not going to touch it,'' he misled the American people.

The CM Actuary said, in essence, these cuts could drive providers from the Medicare Program. I have a hard time understanding how these massive cuts to Medicare count as somehow: I'm not going to touch Medicare.

On the other hand, the biggest problem facing Medicare in the near term is a physicians payment update problem that we constantly have to address and could have been addressed in the health care reform bill. You know what. It was not addressed. Of course nothing was done about it. Perhaps that is what the President meant when he said about Medicare, I say to the Senator from Wyoming, ''I'm not going to touch it.''

Mr. BARRASSO. That clearly points out to the people around the country what they know, and if they are on Medicare that it is that much more challenging for them to even find a doctor because of the $500 billion of cuts to Medicare—and not to save Medicare, not to strengthen Medicare, but to start a whole new government program for other people. So those are several of the promises the President made.

We just heard from my colleague from Iowa, ''if you like what you have, you can keep it.'' We know that promise has been broken, and now the promises by the President—I will protect Medicare—which is clearly not the case, as the American people have seen, which is why this health care law is even more unpopular today than it was when it was passed.

But thinking back to the time it was passed, the Senator from Missouri Mr. BLUNT, who is joining us on the floor, was very actively involved in the debate and the discussions in pointing out the concerns people in his home State had with regard to the health care law and the objections he heard. My recollection is that there was even an issue on the ballot about the health care law and mandates and related issues.

So I ask my friend and colleague from Missouri if there are comments he would like to add to help with this discussion of the broken promises of the Obama health care law.

Mr. BLUNT. Mr. President, I thank the doctor for his leadership on this issue during the debate on the health care law itself and right up to now, the second anniversary of it being signed into law. Certainly Missouri voters were the first voters who went to the polling place and registered their views on this. As I recall, 72 percent said they did not want to be a part of it. The famous comment made on the other side of the building by the Speaker—we will know what is in the bill once we pass it—has proven to be very true and not very positive from the point of view of that bill.

The Senator from Wyoming and Senator GRASSLEY have talked about the promises made already—the promise not to touch Medicare, the promise that if you like what you have, you can keep it—surely nobody can say that with a straight face anymore—and the promise during the campaign that there wouldn't be a mandate.

Four years ago this was the big division of the two principal candidates for the nomination on that side. Senator Obama's view was that there would be no mandate, that there was no need for a mandate. In fact, at one point he said that having a mandate would be like solving homelessness by mandating that everybody buy a house. Now, that is not my quote, that is President Obama's quote when he was Senator Obama—having a mandate on health care would be like solving the housing problem by saying we are going to require that everybody buy a house.

This plan does not work. It doesn't come together. The parts of the plan that were supposed to pay for the plan are one by one being discarded.

Remember the so-called CLASS Act, the long-term care act, which technically, I guess, would have produced some money because it collected money the first 10 years; the first 10 years, we are counting the money and we are not allowed to spend any of it for the first 10 years. So, sure, that would be a net income to the Federal Government. We are not spending and money is coming in. But even the Secretary of Health and Human Services said what many of us said at the time, which is that this plan won't work, so we are not even going to collect the money because we know there is no way this particular structure will do what it is supposed to do.

It is just one broken promise after another, it is just one set of provisions

after another, and the more the American people look at it, the more they realize this just doesn't add up. Not only does it not add up financially, it doesn't add up to better health care.

We are going to see lots of people—the Congressional Budget Office recently estimated that I think 20 million people who get insurance now at work would lose that insurance at work once this goes into effect, and that was not a calculation in the original bill. Everybody was at least calculating that anybody who has insurance now would keep what their employer would continue to pay for. Well, for 20 million of them, apparently, that is not going to be the case.

I yield to the Senator from Wyoming on that topic of just what employers are going to have to decide to do once they are faced with this new mandated policy that covers not only what they think they can afford but whatever some government official decides is the perfect policy for all Americans. Now, imagine that—the perfect policy for all Americans. One-size-fits-all almost always means that one size doesn't fit anybody. And these employers, it is now understood, are in many cases just going to take the option that they will pay the penalty that is less than they are paying now for insurance or they are going to have to require their employees to go get their insurance in a subsidized exchange. That means taxpayers will be helping buy insurance for people who today have insurance through their employers at the rate of at least 20 million, and I think that number will be a lot higher than that.

Mr. BARRASSO. Well, it does seem that way to me, to the point that now, 2 years out, Senator COBURN and I put together a report on what we are finding. It is a checkup on the Federal health law, and the title is ''Warning: Side Effects.'' That is because there are huge side effects from this health care law. The four that we have written out on the prescription pad, as we see it, on the prescription pad handed out by President Obama, No. 1 is fewer choices; No. 2, we have higher taxes; No. 3, more government; and No. 4 is less innovation. That is what the American people are seeing as the side effects of this health care law. People don't want few choices, they want more choices. People don't want higher taxes, they want lower taxes. They don't want more government, they want less government. They don't want less innovation, they want more innovation. That is what the American people asked for.

There was a reason to do health care reform—because people wanted the care they need from a doctor they want at a cost they can afford. I know that is what my colleague from Iowa sees when he goes home every weekend and talks to people in his home communities.

Mr. GRASSLEY. Mr. President, if I could add one thing at this point, we don't really know how bad this law is yet. I am going to add something to what Senator BLUNT said when he quoted the Speaker of the House saying that we don't really know what is in this bill and we are going to have to pass it to find out what is in it. That is what she had to say to get a majority vote even within her own party to get it through the House of Representatives. But, in a sense, she is right. One could understand every letter of this law, but it has 1,693 delegations of authority for the Secretary to write regulations, and until they are written, we aren't really going to know what is in it. We remember the accountable care organization rules that came out. Six pages out of 2,700 in the bill dealt with accountable care organizations, but the first regulations that were written were 350 pages long. So we really won't know how bad this legislation is maybe for a few years down the road, and hopefully we never get that far down the road.

Mr. BARRASSO. My understanding of the accountable care organization component is that the very health programs the accountable care organizations were modeled after, the ones the President held up as the models across the country—one was in Utah, one was Geisinger in Pennsylvania, and I believe the Mayo Clinic may have been a third—once those 350 pages of regulations came out, the programs the President said were the models we want to follow, they all said: We can't comply with these regulations. They are too stringent. They are too confining. They will not work in our program.

So if it is not going to work in the places where the President said they are doing it well, to me that means they are not going to work anywhere in Wyoming and very likely not anywhere in Iowa or anywhere in Missouri as we try to make sure patients get the care they need from the doctor they want at a cost they can afford.

That is why I continue to look at this health care law and go home every weekend and talk to people, and I continue to hear that this bill is bad for patients, bad for providers—the nurses and the doctors who take care of the patients—and bad for taxpayers.

When we take a look at Medicare—and Senator BLUNT made a comment about Medicare and some of the changes—who is going to make these decisions? It looks to me as though, from reading through this law, it is about 15 unelected bureaucrats with this so-called Independent Payment Advisory Board who will decide what hospitals will get paid for providing various services. So in small communities, the hospital may say: Well, we can no longer offer that service. I have heard my colleagues talk about the specific loss of the ability of hospitals to even stay profitable with some of the cuts, from taking $500 billion away from Medicare, again, not to save and strengthen Medicare but to start a whole new government program for others.

Those are the things we are dealing with and why, at townhall meeting after townhall meeting, people continue to tell me they want this repealed and they want it replaced with patient-centered health care—not government-centered, not insurance company-centered, but patient-centered health care. That is what people are asking for, and they get tired of all these broken promises the President has made.

I remember the President said he was going to bring down the price of premiums by $2,500 per family per year. What family wouldn't want that? The whole purpose of the health care law initially was to get the costs of health care under control. This didn't do it.

If I go to a townhall meeting, as I did not too long ago in Wyoming, and say: How many of you under the new health care law are finding that you are paying more for health insurance, not the $2,500 less a year the President promised, but how many are paying more, every hand goes up. Then we ask the question: How many of you believe the quality and the availability of your own care is going to go down as a result of this health care law, and every hand goes up. I know that in the Show Me State of Missouri, that is not what people want. They don't want to pay more and get less. I don't know if my colleague has been hearing things similar to that at home.

Mr. BLUNT. I think that is what we are all hearing. Whether you are for this bill or not, my guess is that you are hearing that if you are asking that question.

Another of the President's promises was that an average family, if this health care plan went into effect, would pay $2,500 less, as the doctor just said, per year. In fact, since he became President, insurance premiums have risen by $2,213 a year—not a $2,500 cut but a $2,213 increase, according to the Kaiser Family Foundation. The survey says that in 2008, for employer-provided insurance, the average family premium was $12,860. Last year it was $15,073. These are incredible increases for families, coupled with the bad energy policies and other policies that put families into a condition they would hope not to be in and we hope for them not to be in. So you have increased costs to families, increased costs to the system.

That is the other thing the President said. Another broken promise was that this health care bill would control costs. Recently, according to the Medicare Actuary—the person who calculates these costs—the estimate was that national health spending would go up at least $311 billion over 10 years under this plan. Now, that is not cost control; that is $311 billion, almost one-third of $1 trillion in increases.

Payment reductions to hospitals—the Senator from Wyoming mentioned this board that will make these decisions. I am not sure there will be

enough people on that board who understand rural hospitals and understand why it is critical that rural hospitals that are critical-care hospitals continue to have different arrangements with the government than others do for the government-provided health care, such as Medicare and Medicaid. And if they understand that, there may not be enough people on the board who understand the unique needs of urban hospitals that have a heavily uninsured population.

How is this 15-member board going to be better than the 500 Members who serve people in Washington now, trying to look at specifics and then be accountable? To whom is this board accountable? What decision do they make that somebody can challenge in a meaningful way, in a way that they would be really concerned about?

So it doesn't control costs as the President said it would. It doesn't reduce insurance costs as the President said it would. I think it will wind up with maybe even more people uninsured as long as the penalty paid is less than the premiums paid, particularly for young workers who are outside the system today. Under the President's plan, we eliminate the advantage they have for being young and healthy by saying: No, you can't really classify groups, whereas if a person gets life insurance, that person will certainly pay more if they are 75 than if they are 27. They are just going to pay less. It is the same way today for health insurance as well because it is clear that the likelihood of a person using that plan at 26 is different than it is at 62. So all of these things just don't add up, and people are beginning to figure that they don't add up.

I thought Senator GRASSLEY made a very good point about even when we passed the bill, we wouldn't know all of the costs of this bill until it actually goes into effect. I am very much in support of his view that we never want to let this get so far down the road where we would know how much it would really cost or all the rules and regulations we would really have because it will head health care in a direction where we might not be able to reverse course and get to a health care system that is really focused on patients and health care providers rather than government bureaucrats deciding what is the best health care for everybody. I want my doctor to decide. I want to be part of that discussion. I do not want some government bureaucrat deciding what procedure is the only procedure that is acceptable for me.

Mr. BARRASSO. It is interesting—because I know the Senator goes home, as I do, very often to talk to many of the small business owners in the State of Missouri, as I do in Wyoming, and as Senator GRASSLEY does in Iowa—one of the promises the President made is, he said 4 million small businesses may be eligible for tax credits. Well, it turns out that the key word there by the President is ''may''—may be eligible.

Even the fact that the White House has sent out postcards to all these small business—the IRS spent over $1 million of taxpayers' money to send out millions of postcards promoting the tax credit—the Treasury Department's inspector general recently testified that ''the volume of credit claims has been lower than expected''—as a matter of fact, only 7 percent of the 4 million firms the administration claimed.

Why? Well, because of the complexity and the whole way the system was set up, the President was able to talk big and deliver very small. That is why so many people are very unhappy with the claims in the health care law because they know these promises have been broken.

With regard to NANCY PELOSI's famous quote—that first you have to pass it before you get to find out what is in it—that is why I come to the floor every week with a doctor's second opinion because it does seem just about every week we do learn some new unintended consequence, something new about the health care law and another reason why Americans are unhappy with it, why it remains as unpopular, if not more unpopular, today as when it was passed, and why so many people believe the Supreme Court should find this bill unconstitutional, for the reasons that do have Americans at home in an uproar, and very unhappy that the government can come into their homes and mandate that they buy a government-approved product and pay for it or pay a fine. Nothing like this has happened before, and people are, frankly, offended.

We do not know what the Supreme Court is going to do, but I know what this body ought to do. This body ought to vote to repeal and replace this broken health care law and get a health care law in place which is what the American people wanted, which is, the care they need, from the doctor they want, at a price they can afford.

We have not seen that yet. But that is why we are here on the second anniversary of the President's health care law, to continue to point out the flaws of this legislation. Quite interestingly, when you take a look at some of the national poll numbers, for people who have talked to a health care provider—whether that be a nurse, a doctor, a physician's assistant, a physical therapist, a nurse practitioner, no matter who—they are even less supportive of it than the general public.

Mr. HATCH. Mr. President, this Friday the Nation observes an anniversary that most Americans would prefer to see removed from its calendar. I am talking about the second anniversary of the passage of the President's health care law. Rather than celebrate this day, it is one that citizens and taxpayers have come to rue and regret. The process by which Obamacare became law was an affront to republican principles of democratic self-government. The substance of this law is an historic threat to the liberties our Constitution was designed to secure.

A decent respect for the opinions of the American people cautioned against passing this law on a purely partisan basis. Yet in spite of the clear opposition of the American people to this massive expansion of government power, and to its historic spending and tax increases, the President and his congressional allies were determined to jam this bill through the Congress.

The architects of this strategy, if not the party loyalists who carried it out against the wishes of their constituents, sleep easy at night having done so, because they knew that this was a once-in-a-generation opportunity, the crowning achievement of the liberal bureaucratic state. A takeover of the Nation's health care sector and its top-down regulation by Washington had eluded Democrats for over 70 years.

The economic downturn of 2008 changed that. With the election of President Obama and significant majorities in the Congress, the left was not going to, in the words of the President's Chief of Staff, ''let a crisis go to waste.'' What this strategy meant in practice was that Democrats would advance a radical liberal agenda whether the American people supported it or not. That is the anniversary we are observing this week, and it is a dark spot on our Nation's history, in my opinion.

The Obamacare episode showed a fundamental disrespect for the opinions and constitutional common sense of the American people. Faced with growing unrest and real concerns about the impact of this law on families, the economy, and access to health care, the law's proponents assumed that the American people were too dumb to get it; that once Obamacare became law, the American people would come to love it, as well as the benefactors who gave it to them. That is what they thought. As Speaker PELOSI explained: We have to pass the bill so you can find out what is in it.

The great liberal conceit was on full display in the process that led to this bill becoming law. We know better than you, they said. We can plan one-sixth of the American economy, and you will eventually come to like it.

Well, as we all know, the American people had something else in mind. They reminded Congress and the President that in this country the people are sovereign. They stood up as free men and women rejecting Obamacare before it became law and refused to embrace it afterwards. And as their understanding of the law has deepened, they have remained constant in their commitment to full repeal. According to a Rasmussen poll this week, over half of Americans support the full repeal of Obamacare.

Next week, the Supreme Court will hear oral argument on the constitutionality of this misguided law. In arriving at their decision later this year, they will consider Obamacare through the prism of past precedents and the

Constitution's original historic meaning. But the Justices of the Supreme Court are not the only ones evaluating the constitutionality of this law. The American people and citizens of this Nation have their own obligation to consider whether this law comports with our Constitution and principles of limited government, and on that the verdict is already in. According to a recent Gallup poll, 72 percent of American adults, including 56 percent of self-professed Democrats, believe that the law's individual mandate is unconstitutional.

The average American who opposes this law on constitutional grounds might not be a law professor or an appellate advocate, but those citizens and taxpayers understand our Constitution was designed to guarantee liberty and that it did so, in part, by limiting the powers of the Federal Government and maintaining the sovereign powers of the States.

They know the unconstitutionality of ObamaCare runs far deeper than the onerous individual mandate. The law is, at its core, a violation of our most deeply held constitutional principles.

It undermines personal liberty and puts more power in the hands of the Federal Government. In the interest of advancing what the left views as a constitutional right to health care, they undermine actual constitutional rights to life, liberty, and property.

The law's mandate for abortion-inducing drugs undermines sacred rights of personal conscience and religious liberty.

Its expansion of Medicaid fundamentally transforms the relationship of the States to the Federal Government, undercutting the ability of those sovereign communities to make basic decisions about the welfare of their citizens by crowding out spending for police, infrastructure, and education.

The American people might not have submitted complex legal briefs in the Supreme Court litigation, but their conclusions about ObamaCare possess a unique and powerful wisdom. The people of Utah and the rest of this country understand the very DNA of ObamaCare—a commitment to more government control, the empowering of an already unaccountable administrative state, and an assault on free markets—is unconstitutional.

This was not what President Obama promised the American people. The President couched this government takeover of the Nation's health care sector as a modest reform designed to reduce costs.

When he spoke before a joint session of Congress in September of 2009 to push for his plan, the President promised it would ''slow the growth of health care costs for our families, our businesses, and our government.''

The President swung and missed on all three. According to the President's own Actuary at CMS, national health expenditures would increase by $311 billion over the law's first 10 years. This comes as no surprise to the American people. The President's health care law promised all sorts of new free care. But we all know, contrary to the repeated assertions of President Obama and his administration, nothing in life is free.

The bill will eventually come due for all this so-called ''free care,'' and it is taxpayers who will pay that bill.

According to the Congressional Budget Office, ''Rising costs for health care will push Federal spending up considerably as a percentage of GDP.''

This is not what the President and his allies promised. We were promised lower costs. What we got were higher costs, more Federal spending on health care and, with it, more taxes and more debt.

When fully implemented, ObamaCare authorizes $2.6 trillion in new Federal spending over 10 years. It will increase premiums by $2,100 for families forced by ObamaCare to purchase their own insurance. Its Medicaid expansions will impose $118 billion in new costs on the States.

It will increase spending on prescription drugs, physician and clinical services, and hospital spending. It will increase the deficit by $701 billion over its first 10 years.

How does the President propose to pay for this? Here is how: He will pay for it by selling more Treasurys to China. He will pay for it by increasing taxes and penalties by over $500 billion, and American workers will ultimately pay for it with 800,000 fewer jobs than would have otherwise existed.

This is not the story the President or the Democrats in Congress responsible for this law want the American people to hear. So they will attempt to spin their way out of it.

In a memo obtained by the press last week, the advocates of ObamaCare laid out their strategy to sell the merits of this misguided law prior to oral arguments at the Supreme Court.

This week was designed to lay out all the great things provided by ObamaCare. But, naturally, that memo mentions absolutely none of the costs. It doesn't mention the cost of these benefits for Federal taxpayers. It doesn't mention the costs for employers and workers. It doesn't mention that the law could lead to as many as 20 million Americans losing employer-sponsored health benefits by 2019. It doesn't mention the impact the $½ trillion in tax increases and penalties will have on the economy, and it doesn't mention the harm this law does to our Constitution and its principles of republicanism, personal liberty, and limited government.

I wish I could say I was surprised, but I am not. ObamaCare is merely the capstone to a generations-long liberal project that has attempted to convince citizens that they can have their cake and eat it too. They can have all the benefits of an ever-expanding welfare state, and nobody—or only the very rich—would have to pay for it. ObamaCare exploded this myth. It is the culmination of generations of government expansion, and it shows once and for all that we are all going to be paying for the liberal welfare state.

Taxing Warren Buffet is not going to cut it. All American families will pay for this $2.6 trillion spending law one way or the other. After centralizing control of the Nation's health care system in Washington, DC, and putting health care decisions into the hands of government bureaucrats, we will all pay for it through higher taxes, less opportunity, and diminished access to care.

Our children are going to have to pay for it, as a nation conceived in liberty is increasingly burdened by an unsustainable national indebtedness; that is, unless the American people get the final word on this. They certainly should.

I believe in the American people. I know what my fellow Utahans think about the President's health care law. No less than legislators or Justices, they take the Constitution seriously. They know this law is unconstitutional. They know what it does to free markets and to free men and women. They know that if this law is constitutional, then there are effectively no limits on what the Federal Government can do. They know this law has to go. I look forward to showing it the door.

The PRESIDING OFFICER. The Senator has used 30 minutes.

Mr. BARRASSO. Thank you very much, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. BROWN of Massachusetts. Mr. President, I enjoyed the preceding presentation by the Senators dealing with issues surrounding health care. I think it is a very relevant discussion we need to all pay attention to.

AMENDMENT NO. 1884

I want to talk on two issues today. I will start first with the crowdfunding amendment that has been offered by Senators BENNET, MERKLEY, and me—something we have been working on in a truly bipartisan manner, as it should be done here, and as I do many of my actions.

For those of you who may be listening either up in the gallery or on television, crowdfunding is an opportunity for individuals to invest money upwards of $1,000, upwards of $1 million total—so $1,000 per person, totaling $1 million—not dealing with a lot of the traditional SEC filings that are in place and a lot of the other problems in which only very wealthy people in years past have been able to participate in these types of offerings.

For example, right now, if I had a good idea, and I wanted some of my friends to invest in it, and then we go and start marketing, we could not do that. That is illegal. One of the President's objectives in his jobs speech was to talk about these new opportunities, and crowdfunding is one of them. He

supports it. The House has done a similar crowdfunding bill. We are actually taking this crowdfunding opportunity and putting a little bit more safeguard in it.

I think our bill is different—well, I know our bill is different than the House bill in that the House bill does not require that you actually are a legal business or even some kind of incorporated legal forum before you try to issue stock. That bothers me somewhat in that you could have somebody in their living room taking people's money and issuing stock with no check and balance, and I think that is important.

It also does not require that you offer securities through an intermediary. You could put up your own Twitter site: Buy shares is my great idea. Come on and buy shares.

All the experts agree that we would need to require an intermediary, say, like an eBay, where the crowd can help identify the good and bad players, the way that eBay uses identified bad sellers on their site.

But also, as I said, it allows investments to take place that cannot be done right now, and allows those entities, those groups, to take that money and either use it as the investment seed money to create those new ideas and new jobs—as we know, startup businesses are the entities that are actually looking to create jobs at this point—and/or use that money as seed money to go to a more traditional lender and say: Hey, we have a great idea and we also have some money to back it up, and we would ask you to sign on with us.

I am hopeful the amendment comes up. I understand it is. I am looking forward to having that very important vote. I would appreciate, obviously, the Presiding Officer and everyone else giving strong consideration to that.

REAUTHORIZATION OF THE VIOLENCE AGAINST WOMEN ACT

Mr. President, I wish to shift gears for a minute and talk about the Violence Against Women Act. As we know—you may not know—Jessica Pripstein of Easthampton, Lisa Stilkey of Douglas, Belinda Torres of Worcester, Kristin Broderick of Haverill, Patricia Frois of Marshfield, Edinalva Viera of Brighton, Milka Rivera of Lawrence, Nazish Noorani of East Boston, Casey Taylor of Winthrop, Alessa Castellon of Roslindale, Lauren Astley of Wayland, Michael Trusty of Edgartown, Janice Santos of Worcester, Beth Spartichino of Easton, Son Tran of Lowell, Jettie Lincoln of Plymouth, David Walton of Tauton, Elaine McCall of Wakefield, Jennifer Freudenthal of Webster, Brian Bergeron of Malden, Lancelot Reid of Dorchester, Joel Echols of Springfield, Maria Avelina Palaguachi-Cela of Brockton, Troy Burston of Medford, Joseph Scott of Worcester, and Aderito Cardoso of Brockton—are constituents of mine who have been killed by their husbands, wives, partners, girlfriends, or boyfriends in domestic violence incidents in 2011 and 2012 alone, and it is only March of this year.

It is unacceptable. The loss of those lives is tragic. But in addition to the people who have lost their lives, the lives of the victims' children, families, and friends have been destroyed. I know because I was a victim of domestic violence. As a child, I watched as my mother was beaten by abusive stepfathers. I did what I could to protect my mom and my sister, but as a young boy there was only so much I could do.

I remember vividly being a 6-year-old boy going to protect my mom and getting beaten on until the police came. It is something that still lives with me, and I try to use that experience and knowledge to help in many different ways.

When I was growing up, quite frankly, there were not the resources that are available to victims today. I wish my mother had known back then that she was not alone. I wish she could have used one of the fantastic support providers that now exist in Massachusetts today. Since being elected to the Senate, I have been moved by the organizations in my State that are stepping to the plate—and continuously step to the plate each and every day—to provide support to victims of domestic violence.

Quite frankly, as a government, we have made tremendous progress in helping victims get their lives back in order—not only the victims themselves but the family members of those victims.

The Violence Against Women Act was first signed into law in 1994, as you know, and made a bold statement that we would redouble our efforts to support law enforcement efforts to crack down on offenders and assist those working in our communities to provide assistance to victims seeking a new life away from the violence they had been subjected to.

In each reauthorization we have improved upon the previous bill and made it stronger and made stronger commitments to those who have been abused. Now is not the time—let me repeat: now is not the time—to take our foot off the gas and avoid dealing with this problem.

The landmark Violence Against Women Act must be reauthorized this year. I am incredibly proud to have cosponsored this reauthorization when it first came to my attention. I believe it makes critical commitments against this horrific problem.

Historically, VAWA has been a bipartisan effort, where both parties locked arms in support of our enforcement and victims against perpetrators of domestic violence. It was a glimmer of hope for an otherwise contentious and overly partisan atmosphere. I have to tell you—this is not the first time I have said this—but there is no Democratic bill that is going to pass, there is no Republican bill that is going to pass, for those listening. It needs to be a bipartisan, bicameral bill that the President will sign.

I have been deeply troubled to see that this year's reauthorization has become, once again, partisan. There is no reason for it. There is no excuse for it. We just did the Hire a Hero veterans bill, we did the 3-percent withholding, we are doing the insider trading, we did the highway bill. There is no reason we cannot do the VAWA bill on a completely nonpartisan basis.

I am on the floor today to call on my colleagues to band together and pass this reauthorization and send a very strong signal to Americans that the Senate—yes, the Senate—stands united in recognizing victims from across the country, to give them the help they need and, obviously, deserve.

In Massachusetts, VAWA is supported by law enforcement and many service providers that are on the front lines in assisting domestic violence victims. I know. Previously, as an attorney, I dealt with family law matters. I know of the yeoman's work these entities do.

On Friday, I will be visiting Voices Against Violence in Framingham, MA. They receive VAWA funding to support direct services to victims and survivors of sexual assault and ensure that a trained rape crisis counselor is available after hours and on weekends.

The YMCA in central Massachusetts in Worcester uses those funds for a proactive program that has service providers working very closely with law enforcement to provide information to domestic violence victims and advocate on their behalf—at a time when, quite frankly, these folks need advocates.

Because of VAWA, REACH Beyond Abuse in Waltham has supported many cutting-edge prevention efforts with teens and the placement of advocates in police departments as a symbiotic, a give-and-take relationship in those departments.

The Jeanne Geiger Crisis Center in Newburyport, where my dad lives, used VAWA funds to establish a high-risk homicide prevention project and was recently recognized by the White House for their work.

I could go on and on and on about the tremendous involvement and great organizations not only in my State but throughout this country that are making a difference in the lives of victims. We need to stand as a body and not get into party rhetoric, and declare to women across America that they are not alone in this fight. We need to do everything in our power to help the millions of women like my mom who were once in this situation and are now survivors. And we need to help them become survivors, not victims. So I call upon my colleagues to join me in sending a very strong bipartisan vote and get this done.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CARDIN). Will the Senator withhold his request?

Mr. BROWN of Massachusetts. Yes. I am sorry. I did not see the Senator.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the distinguished Senator from Massachusetts for his remarks in support of the Violence Against Women Act. I believe the bill will be before us shortly. We will count on Senator BROWN's vote. So we look forward to that.

TRIBUTES TO SENATOR BARBARA MIKULSKI

Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to a public servant, a social worker, and a tenacious advocate for vulnerable Americans. I rise today to honor a trailblazer and a mentor for me and countless others. I rise today to honor an outstanding U.S. Senator from Maryland and the dean of the Senate women, my friend BARBARA MIKULSKI.

I am privileged to have represented California in this body for almost 20 years. When I first ran for the Senate, back in 1992, I received a call from BARBARA MIKULSKI, personally urging me on and reaching out to provide encouragement.

I have relied on her advice, her friendship, and the Mikulski brand of candor ever since. As a matter of fact, one of my fondest evenings was a three-onion martini right down the street.

It is hard to believe, but when Senator MIKULSKI took office in 1987, there was only one other woman in this body, Senator Nancy Kassebaum, later Nancy Kassebaum Baker, the great Republican Senator from Kansas. Increasing the number of women in the Senate has been painfully slow. In 1991, the ranks of women in this body rose to three, then later to seven after the 1992 election. Today we have 17 women in this body and 76 in the House. As Senator MIKULSKI reflected in the Washington Post last year:

> Women were so rare even holding statewide political office [back then] . . . I was greeted with a lot of skepticism from my male colleagues. Was I going to go the celebrity route or the Senate route? I had to work very hard.

And she has. BARBARA has worked very hard to become an outstanding legislator and a trailblazing public official. Let me list a few of her firsts. She was the first female Democrat to serve in both Chambers of Congress—that in itself is impressive—the first female Democrat to be elected to the Senate without succeeding her husband or her father; the first woman to chair a Senate appropriations subcommittee; the first woman to serve a quarter century in the Senate; and the first woman elevated to a Senate leadership position.

She is the only current Member of Congress in the National Women's Hall of Fame. And she is not done yet. Just last week, BARB achieved another historic first. According to the Senate Historical Office, she reached 12,858 days of service, becoming the longest serving female Member of Congress in our Nation's history.

Senator MIKULSKI was born and raised in Baltimore. Determined to make a difference in her community—and you know that well, Mr. President—and guided by her Catholic belief and a belief in social justice, she became a social worker, helping at-risk children and educating seniors about Medicare. She once said, ''I feel that I am my brother's keeper and my sister's keeper.'' Social work evolved into community activism when BARB successfully organized communities against a plan to build a highway through Baltimore's Fells Point neighborhood.

Shortly thereafter, in 1971, she was elected to the Baltimore City Council where she served 5 years. That was about the time I was elected to the Board of Supervisors in 1970 in San Francisco. In 1976, she ran for Congress and won, representing Maryland's 3rd District for a decade. She was then elected to the Senate and has won reelection in 1992, 1998, 2004 and 2010 by large majorities.

As I said, BARB is an accomplished legislator. She is also one of the very best. She cares passionately about quality education and ensuring every student has access to higher education. She is a fighter for stem cell research to cure our most tragic and debilitating diseases. She is a tireless advocate for the National Institutes of Health. And she is a leader on women's health, writing law requiring Federal standards for mammograms, and a fearless proponent of breast and cervical cancer screenings and treatment for uninsured women.

We serve together on the Intelligence Committee. She asks some of the most prescient questions. I have seen her commitment to the FBI, to fighting terrorism, and also to cybersecurity where she headed a task force for our committee that has resulted in the cybersecurity legislation newly pending.

Finally, she has led the way to strengthen pay equity for women. The Lilly Ledbetter Fair Pay Restoration Act is the law of the land today because of BARBARA MIKULSKI's effort. As BARB said when we passed the bill:

> I believe that people should be judged solely by their individual skills, competence, unique talent and nothing else in the workplace. Once you get a job because of your skill and talent, you better get equal pay for equal work.

Or, in a manner that best captures BARB's candor, she said, ''Women of America, square your shoulders, put on your lipstick, suit up, and let's close that wage gap once and for all.'' To me, that is classic BARBARA MIKULSKI.

Let me close with a story. Every so often at BARBARA's leadership, the Senate women get together for dinner. There is no agenda or staff, just Republican women, Democratic women, and a lot of lively conversation. We talk about our families, we talk about the workplace, we talk about the world, and, of course, we even talk, to some extent, about this place. Sometimes we enjoy Senator MIKULSKI's world-famous crab cakes, the best you will ever taste, and second only to the Dungeness crab of the west coast, I might add. If you have not, make sure you try the recipe on her Web site. We talk about our families and the way we can work together. It is a throwback to the civility of the Senate. These dinners are when BARB really stands out as the dean of Senate women.

Women in this country have always had to fight for the most basic of rights. I think young women forget that it was not until 1920 that we were able to vote in this country, and it was only because women fought for it. BARB will be the first to say her milestones are symbols of how far she has come. But she will also show us how much farther women have to go.

Today we take it for granted that a woman can be Secretary of State—we have had two—or Speaker of the House—we have had one or a candidate for President. Not quite yet. Oh, no, I take that back. We have had one. And one day soon, a woman will sit in the Oval Office of this great country. When she does, she will owe a great deal to BARBARA MIKULSKI.

But on this day, let the CONGRESSIONAL RECORD of this Senate reflect and forever record that Senator BARBARA MIKULSKI is the longest serving woman in the history of the United States Congress, and this country is forever better because of it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I came here to talk on another matter, but I wish to take a few minutes to talk about my friend BARBARA MIKULSKI. We have served a long time together. When she came to this body, I think I may have been chairman of what was then called the Labor and Human Resources Committee, now the Health, Education, Labor and Pensions Committee.

From the day she got on that committee, she made a difference in every way, not just for women but for every single American in this country. I have a tremendous amount of profound respect for Senator MIKULSKI and what she has been able to accomplish.

Let me mention one thing. Back in the early 1990s, she and I worked together on what was called the FDA Revitalization Act. That act was a very important one, because we had the FDA spread out all over the Greater Washington, DC, area, probably 30, 35 different offices, some of which were in converted chicken coops. It was ridiculous to have these top scientists in anything but a centralized location with top computerization and all of the other scientific instruments they need to do this work for the American people. I have to say that BARBARA MIKULSKI played a pivotal role in helping to

develop that tremendous facility. I want you to know that I do not think it would have been developed without her effort and her dogged work to make sure that we now have a centralized—and it still needs improvement but centralized FDA campus that literally is saving the lives of millions of people and making the lives of millions of people better.

I could go on and on. But I have a lot of respect for my distinguished colleague from Maryland. I would feel badly if I did not get up and tell people how much I do respect her. She believes in what she does. She loves this body, most of the time, I think. And she cares for her follow Senators. We care for her. I want her to know that.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise to join my colleagues in honoring our friend and colleague who is often regarded as the dean of the women in the Senate, BARBARA MIKULSKI.

Earlier this week Senator MIKULSKI added to her already long list of accomplishments the distinction of being the longest serving female Member of Congress in the history of the United States of America.

Senator MIKULSKI's life is a story of the American dream. Raised in a working-class immigrant family in the east Baltimore neighborhood of Highlandtown, Senator MIKULSKI learned at a young age about the struggles of working families and ethnic Americans and the value of paying it forward.

She helped at her father's grocery store, which opened early in the morning so that steelworkers could buy lunch before their morning shift. She delivered food to seniors and families when parts of her neighborhood were set on fire after the assassination of Dr. Martin Luther King. At one point she even rode on the top of a tank to deliver the groceries.

Senator MIKULSKI's roots helped shape her role today as a mentor, fighter, and true public servant. She worked as a social worker for Catholic Charities, helping at-risk children and counseling seniors on Medicare. She had her start in politics as a community organizer and social worker.

In 1970—one side of BARBARA MIKULSKI her colleagues have certainly seen is her dogged determination—she organized Marylanders to stop a 16-lane highway project that would have threatened Fells Point and another neighborhood in Baltimore. She got the job done. Many people say that work helped to save Fells Point and the Inner Harbor, two of the showcase areas in the great city of Baltimore. She gave a speech at Catholic University to a Catholic conference on the ethnic American. It caught the attention not only of people in Baltimore but far beyond its reach as she talked about her family story and the story of millions just like her.

One year later, she ran for and won a seat on the Baltimore City Council—the first step in her now 41-year career in public service.

Over the course of the Senate's 223-year history, there have only been 38 female Members; the first, Rebecca Latimer Felton, of Georgia, was appointed for political reasons to fill a vacancy, and she served only a single day in 1922.

Senator MIKULSKI has so many firsts in her story of public service. She was the first woman elected to the Senate in her own right—the first—and not because of a husband or father or someone who served before her in higher office. She was the first woman Democrat to serve in both Chambers of Congress—the first. Last year, she was inducted into the National Women's Hall of Fame for her trailblazing political career, including, with this recognition today, becoming the longest serving woman Senator in the history of our Nation.

Given her years of experience, it is no wonder other Members of Congress have turned to her for guidance, men and women alike.

I can recall so many meetings of our Democratic caucus when, after a long debate involving many people saying many things, BARBARA MIKULSKI would stand and, in a few terse words, get it right. At the end of the day people would say: That is what we ought to do. She has this insight based on her life experience and her ability to try to peel through the layers of the political onion and get to the heart of the issue.

Following the election of a number of esteemed women into the Senate, a lot of reporters deemed 1992 as ''The Year of the Woman.'' Senator MIKULSKI's response was so typical and so right. This is what she said:

> Calling 1992 the ''year of the woman'' makes it sound like the ''year of the caribou,'' or the ''year of asparagus.'' We are not a fad, a fancy, or a year.

That was typical BARBARA. Senator MIKULSKI rises above and beyond all that. From her first days in the Senate in 1987, she has fought an uphill battle to address the most important issues of national importance.

First and foremost for her is her family, next is her great State of Maryland. She is a fearless advocate, and I know the Presiding Officer knows that better than most as her colleague from that great State.

She has supported educational initiatives, veterans causes, interstate commerce, access to health care and women's health and fair pay.

The Chair knows the answer to this question, but some of those listening to the debate might not. What was the first bill that the newly elected President Barack Obama signed in the White House with a public ceremony? It was a bill BARBARA MIKULSKI pushed hard for, the Lilly Ledbetter Fair Pay Restoration Act, so women going to work all over the United States—not just in the Senate—would get a fair shake when it comes to the compensation for the jobs they did. It was President Obama's first bill. When he signed it, the very first pen he handed over to Senator BARBARA MIKULSKI. I was there and I saw it.

Championed by Senator MIKULSKI, the long-awaited and much needed bill clarifies time limits for workers to file unemployment discrimination lawsuits, making it easier for people to get the pay they deserve regardless of race, age or gender.

I wish to start here—but I don't know where I would end—to talk about the important issues she has worked for. Let me talk about health care for a minute. When we set out to pass this historic affordable health care act, BARBARA was assigned the job to make sure it connected with the families and workers across America in a very real way, to make sure that at the end of the day we weren't talking to ourselves or engaged in political gibberish but passing a law that could literally change a life for the better. She led that effort and made invaluable contributions to the substance of that bill.

We knew those provisions would be important and that they would work because we knew where BARBARA MIKULSKI came from and we knew where her political heart resides. While it is a milestone to celebrate Senator MIKULSKI's distinction as the longest serving woman in the Congress, there is a much greater cause for celebration; Senator MIKULSKI's decades of service to this Nation is an admirable feat for any man or woman.

I extend my congratulations to my colleague and friend Senator MIKULSKI for this milestone. Thank you for what you have done for the Senate, for the State of Maryland, and for our great Nation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, the hour of 2:30 having arrived, it is my honor and my pleasure to rise to honor a patriot, a pioneer, and now the longest serving woman in the Congress of the United States ever, and that is the senior Senator from Maryland BARBARA MIKULSKI.

BARBARA and I served together in the House, and we came to the Senate together in 1986. I remember that day so well, when we had our first appearance in the Senate as new Senators. It was quite a moving event for me. But one of the events I remember about that day is the presentation of Senator MIKULSKI.

We all said a word or two, and everything we said will be long forgotten. But what BARBARA MIKULSKI said, in the way she has of saying things, will not be forgotten.

Here is this woman who is not even as tall as my wife, who is 5 feet tall, but she said, ''I slam-dunked Linda Chavez,'' her opponent. That said it all.

That was the beginning of my working closely with this good woman. She has been a friend, an inspiration to me in so many different ways in the time we have served together. When we got on the Environment and Public Works Committee, she was here, and I was here. She was always ahead of me in seniority because of her longer service in the House. On the Appropriations Committee, for more than two decades, I was here, she was here. She was always one ahead of me.

BARBARA was the first Democratic woman elected to the Senate in her own right. Last year, she surpassed the legendary Margaret Chase Smith of Maine as the longest serving woman in the history of the Senate. On Saturday, she officially surpassed Congresswoman Edith Nourse Rogers of Massachusetts, who, by the way, served in the House from 1925 to 1960 as the longest serving woman in the history of the Congress.

Senator MIKULSKI's service—and the service of many female Members of Congress—has paved the way for girls of today to know they can become Senators, they can become professional basketball players, and they can be engineers and doctors. The sky is the place they need to go, and that is where they believe they can go because of the work that has been done by BARBARA MIKULSKI.

When I came to the Senate with her, she was the only woman who served in the Senate as a Democrat. There was one other Republican at the time. Now, since then, Mr. President, I have watched very closely on this side of the aisle. Now we have 12 Democrats, and if the elections turn out the way I hope they do—and I am cautiously optimistic they will—we will have 17 women who are Democrats in the Senate.

She has been truly a trailblazer. We recognize BARBARA's achievements today and her outstanding record as a tireless advocate for the State of Maryland. She grew up in the Highlandtown neighborhood of east Baltimore. She learned the value of hard work by working in and watching her dad, especially, open that family grocery store and work from early in the morning until night. He sold lunch to steelworkers and other people who came by that little grocery store.

In high school she was educated by the nuns at the Institute of Notre Dame. She credits the nuns with instilling in her faith and a thirst for justice. She went on to study at Mount Saint Agnes College, which is now part of Loyola College in Maryland. She earned her master's degree in social work from the University of Maryland.

BARBARA was a social worker and has always been proud of the fact that she has been a social worker. She was employed by Catholic Charities and the City of Baltimore's Department of Social Services. I can imagine what a dynamo she was—and she still is. There is no work harder than being a social worker. The problems one sees and has to deal with are extremely difficult.

During her years as a social worker, she was a powerful voice for children and seniors in need of an advocate. BARBARA MIKULSKI then and now is an advocate. It was there the spark for service and activism was lit, but it was a plan to build a 16-lane highway that fanned the flames that had been lit by her activism.

The highway would have gutted historic Fells Point, a neighborhood that she believed should have been protected. It would have uprooted homeowners in a majority African-American neighborhood. She organized the residents of Fells Point and Baltimore's Inner Harbor and stopped the construction of that highway.

That is a testament to the power of democracy that she believes in with all her soul. Looking back on that triumph, Senator MIKULSKI said:

> I got into politics fighting a highway. In other countries, they take dissidents and put them in jail. In the United States of America, because of the First Amendment, they put you in the United States Senate. God bless America.

She has always been an advocate for the disenfranchised and disadvantaged in this country, but she has also been an advocate for dissidents in other countries, of whom she has spoken so eloquently on so many occasions. Her family was Polish. She has heard all the Polish jokes, and she has withstood a little of the ''barbs'' when neighborhoods were different than they are now. But she took special pleasure and was so proud of her heritage.

BARBARA took a special interest in the plight of Polish people oppressed under communism. We know in 1980 the people of Poland started a fledgling little group called Solidarity—a movement to engage in nonviolent resistance against communism and in support of social change.

Senator MIKULSKI and I had the wonderful pleasure of traveling under the guidance of a trip led by John Glenn—a world famous man then and now. It was a wonderful trip for a couple of new Senators. The Iron Curtain was down, and it was down hard, but we went to Poland on a codel. I can remember we had the opportunity to meet with members of the Solidarity movement. We met in secret with them, in a secret location, and Senator Glenn talked, Senator Stevens, then a senior member of the Senate at the time spoke, and I said I would like to hear from Senator MIKULSKI.

Now, Mr. President, I am not articulate enough to explain the presentation she made extemporaneously, but this powerful woman stood and talked about her heritage and her religion and what that meant to the people of America and what it should mean to the people of Poland. It was truly—and I have told her this personally over the years on several occasions to remind her—one of the most heart-warming, stirring speeches I have ever been present to listen to. She spoke to the people assembled there—there weren't many of them—as a fellow activist. She spoke as an American of Polish descent and a fellow Catholic. She spoke as one of them. When that presentation was completed, everyone knew she was one of them.

It took almost a decade for the Solidarity movement to strike victory in Poland, and I know Senator MIKULSKI's speech was not the reason, but I guarantee you it was one of the reasons they had the audacity and the courage to proceed as they did.

Remember, Poland was an interesting country. It was the only country behind the Iron Curtain where the Communists could not destroy their educational system, and that was because of the strength of the Catholic Church in Poland at that time. Solidarity's victory in Poland inspired a stream of peaceful anti-Communist revolutions that eventually caused the fall of communism entirely all over Eastern Europe.

BARBARA's Polish ancestry and the Polish community in which she grew up in Baltimore were very important to her, but I never knew it until that moment in Warsaw with those few members of Solidarity who were assembled to honor us.

Her great-grandmother had come here from Poland with just a few pennies in her pocket—literally—but she had a dream of a better life for her and her family. This is what BARBARA MIKULSKI said about her great-grandmother.

> She didn't even have the right to vote, and in this great country of ours, in three generations, I joined the United States Senate.

It was a remarkable feat for her. But, more importantly, it was a confirmation of the American dream. For BARBARA, what began as community activism, a fight against a highway, grew into a successful career in public service.

I just want to add a side note, Mr. President, and talk about something very personal to me. When Senator David Pryor got sick, he was the Democratic conference secretary in the Senate. That opened up a spot in the Senate leadership. That was something I thought would be interesting to me. It was known who was interested in filling that spot, and I knew BARBARA was interested.

I went to BARBARA and said: BARBARA, if you want it, it is yours. Two years later, Wendell Ford decided he was going to retire. He was the whip. I can still remember that morning walking from the Hart Building over to the Russell Building, in that long walkway there, and I saw BARBARA MIKULSKI. I didn't say a word to her.

She said: I want to talk to you. She said: You supported me when I wanted to be the conference secretary. You

want to be the whip, I am supporting you. But for BARBARA MIKULSKI, I would not have had that leadership position. Once the Democratic caucus knew BARBARA MIKULSKI supported me, it was all over. I won. And I won because she came to me, as she did that morning.

So, Mr. President, my respect, admiration, and love for this woman is difficult for me to describe, but it is there. BARBARA MIKULSKI ran for Congress and won after serving on the city council of Baltimore for 5 years. She represented Maryland's Third District for 10 years before winning the seat in the Senate she now holds.

Again, I appreciate all she has done for me—so many different things she has done for me. As a very able member of the Appropriations Committee and somebody who loves this institution, I am in awe of the legislative record of this amazing woman.

She has been a dedicated representative not only for the State of Maryland but the State of Nevada. One thing she did for me—and there have been a lot of them—when we were new Senators and she was on one of the subcommittees of the Appropriations Committee concerning veterans benefits and affairs, as a favor to me she traveled to Reno, NV, to look at an old veterans hospital. She went through it and said: This is not the way a veterans hospital should be, and I, BARBARA MIKULSKI, am going to change it. And she did.

Through the appropriations process we renovated and improved that hospital so it was one of the better hospitals at the time. So I am grateful for this good woman, an advocate for parity for women on everything from salary to health care access. But for BARBARA MIKULSKI the National Institutes of Health would not have a center for women. She got a little upset when she learned they had done a study of the effect of aspirin on people's hearts and she realized they had tested 10,000 people and they were all men.

I had a situation that arose in Nevada about at the same time where three women came to me who had something called interstitial cystitis, a devastating, debilitating, painful disease that is described as running slivers of glass up and down your bladder. It was said to be a psychosomatic disease. These women had nowhere to go. I talked to BARBARA MIKULSKI about this, and now 40 percent of these women have medicine that takes away their symptoms totally.

I could go on here a long time, as everyone can see. But I do it because I congratulate BARBARA on this milestone, which is so important to me and the Senate, and to tell her how much Nevada appreciates her. It is not just for Maryland. She has done things for the entire country.

I wish her well for years to come.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, it is my honor to be here this afternoon to extend, on behalf of the Republican Conference of the U.S. Senate, our respect and admiration for the senior Senator from Maryland on achieving this important milestone.

I am sure she would be the first to tell you that becoming the longest serving woman in the Congress wasn't easy. A life in public service is filled with many highs and lows. But BARBARA is nothing if not both tough and resilient.

BARBARA would point to her upbringing as the daughter of a Baltimore grocer, where she learned firsthand how hard work, honesty, and determination can lead to a successful and rewarding life. She later learned, while fighting a freeway that would have destroyed several Baltimore communities, including her own, that if you fought hard enough for something you believed in, you too can make a difference. So if you knew BARBARA back then, it wouldn't surprise you we are honoring her today.

Last year, when Senator MIKULSKI became the longest serving female Senator, she said she never saw herself as a historical figure. To me, BARBARA said, history is powdered wigs and Jane Addams and Abigail Adams, both pioneers in their own right.

However, BARBARA is a pioneer. She is only the second woman to be elected to both the Senate and the House. When first elected in 1986, she was only the 16th woman to serve. Today, in Congress, there are 76 women in the House and 17 in the Senate. As dean of the Senate women, she served as a role model and a mentor to many of these women. To put this in perspective: When she first arrived in the Senate, there weren't any natural mentors to teach her the ways of the Senate. At the time, even the Senate gym was off limits. A lot has changed since then, and BARBARA had a lot to do with it.

Later, as more women were elected to the Senate, BARBARA worked with them to help them understand the Senate and how best to be an effective Senator, both here and back home. She wanted to give back.

Most importantly, regardless of party or issue, BARBARA would push her female colleagues in the Senate to think differently, encouraging them to think of themselves as a force—a force of good and, oft times, a force for change. I know many are grateful not only for BARBARA's leadership and courage but for her willingness to take the time to share her experiences with them. I don't want to just be a first, BARBARA once said. I want to be the first of many.

In 35 years, nearly 13,000 days as a Member of Congress, BARBARA has been a champion of the space program, science research, welfare reform, major transportation, homeland security, and environmental issues in Maryland.

I wish to recognize BARBARA not only for the tremendous accomplishment as the longest serving female in the history of the United States in Congress but also for all of her many accomplishments in the House and the Senate. As she once said herself, it is not how long you serve, but it is how well you serve.

I wish to recognize BARBARA for the pioneering model she has been to so many women in her distinguished career.

Congratulations, Senator MIKULSKI.

The PRESIDING OFFICER (Ms. STABENOW). The majority leader.

Mr. REID. Madam President, Senator MCCONNELL and I have tentatively worked out something so we will have votes tomorrow, not today. That being the case, we are not under a crunch for time here today.

We have a number of Senators here who wish to say something regarding Senator MIKULSKI, and I wish to set up an orderly time to do that. So I ask that Senator MIKULSKI be recognized. Following that, we have Senator CARDIN to be recognized for 10 minutes; Senator BOXER, 10 minutes. Senator KAY BAILEY HUTCHISON has been here since before anybody else. So following Senator BOXER, I ask that she be recognized. And Senator GILLIBRAND?

Mrs. GILLIBRAND. At the conclusion of my colleagues' remarks, 3 minutes.

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

The Senator from Maryland.

Mr. CARDIN. Madam President, I know there are a lot of us who want to pay our tribute and respect to the senior Senator from Maryland, Senator MIKULSKI. I want to make sure everybody has their opportunity. Are we operating under a consent order?

Mr. REID. Yes.

The PRESIDING OFFICER. The consent order to this point has Senator CARDIN, followed by Senator BOXER, and then Senator HUTCHISON. Senator KERRY is asking to be recognized.

Mr. KERRY. I believe he included my name for 10 minutes at the same time. Madam President, I believe Senator REID included my name in that list for 10 minutes—I ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered. Senator KERRY will be added, and a complete list will be put together.

Mr. CARDIN. Madam President, I am glad we could get that straight.

Let me first thank all of our colleagues who are here to pay honor to the senior Senator from Maryland, Senator MIKULSKI.

This is March Madness in basketball. Sweet 16 is starting. We are very proud in Maryland of our Lady Terps. They are in the Sweet 16. But I want you to know that we are all getting our fantasy teams, and I want Senator MIKULSKI on my fantasy basketball team because she is a true leader, she understands the importance of working together, and she is a winner.

We are proud of her roots in Maryland. She is the great-granddaughter of Polish immigrants who owned a bakery. She began her public service in

high school, where she helped deliver groceries to seniors who were locked in their apartments and she helped the homebound seniors get the food they needed. She went to the University of Maryland School of Social Work because she wanted to be a social worker. She wanted to help other people. She knew that she was good at that and she could make a difference in people's lives. She worked for Catholic Charities and dealt with children at risk and helping seniors with Medicare.

As you have heard from several of my colleagues already, she gained her reputation by taking on a highway that was scheduled to be built that would have gone through Canton and Fells Point, disrupting a neighborhood in Baltimore. This was a 16-lane highway. It was considered to be a done deal; it was going to happen. The powers that be said we are going to have a highway coming through downtown Baltimore. The powers to be did not know BARBARA MIKULSKI. That highway never happened. Senator MIKULSKI stopped that highway from being built.

She then went on to serve in the Baltimore City Council with great distinction. Then in 1976 she was elected to the Congress for the Third Congressional District, a seat that was vacated by our esteemed colleague Paul Sarbanes, who then came into the Senate, and BARBARA MIKULSKI followed in the great tradition of Senator Paul Sarbanes. In 1986, when Senator ''Mac'' Mathias's seat became vacant, Senator BARBARA MIKULSKI was elected to the Senate.

She has many firsts: The first female Democrat elected in her own right to serve the United States Senate. At the time she was elected to the Senate, she was only one of two female Senators. Today, we have 17 female Senators in the Senate in large part because of Senator BARBARA MIKULSKI. I know the Presiding Officer was part of that expansion. You will hear how Senator MIKULSKI was not only a role model and an inspiration but an incredible help to get more women elected to the Senate.

Last year we joined in this body to celebrate Senator MIKULSKI becoming the longest serving woman in the history of the Senate, surpassing Margaret Chase Smith from the State of Maine. Then on this past Saturday, on St. Patrick's Day, she became the longest serving woman in the history of the Congress, replacing Edith Nourse Rogers from Massachusetts who served, as the majority leader pointed out, from 1925 to 1960.

Marylanders understand longevity records. We are very proud of Cal Ripken and the record he held in baseball. Senator MIKULSKI's, like Cal Ripken's, legacy is what she has done in office to make a difference, not the length of her service. She is a fierce and effective advocate for so many causes. We have heard about her accomplishments in education and health care, what she has done to advance sensible health care to improve quality for the people of this country. That was her mission in the Affordable Care Act, to make sure that we had the delivery systems in place that would deliver quality health care, and Senator MIKULSKI's leadership was critical in that regard.

She has been a leader in women's health care issues. I will never forget her reminder to all of us in the caucus: Don't forget women's health care issues when you bring that bill to the floor. And we didn't. We put that in under Senator MIKULSKI's leadership. We talked about breast cancer and cervical cancer screenings. Senator MIKULSKI has been in the leadership on all those issues.

We in Maryland are proud to be where the National Institutes of Health is headquartered. Its growth in large measure has been the result of Senator BARBARA MIKULSKI. We are proud of HOPE VI and housing. Senator MIKULSKI has been in the forefront of that program, making it possible for many people in our community to have decent, affordable, and safe housing.

Senator MIKULSKI has been critically important to America's space program. I have been with her many times at Goddard and seen firsthand the results of her advocacy and what it has meant. The Hubble space telescope is another legacy of which Senator MIKULSKI can be rightly proud.

We in Maryland are also proud to house NSA, the National Security Agency, with its new mission with the cyber command located in Maryland. Senator MIKULSKI, as Senator FEINSTEIN pointed out, has been one of the real leaders on national security issues. We can't issue press releases on this. She is a member of the intelligence committee. She works behind closed doors to keep us safe. But we all know that she is one of the key leaders in this Nation on national security issues.

We know about pay equity and the Lilly Ledbetter law, the first bill signed by President Obama. It was Senator MIKULSKI's leadership that got that bill to the President's desk, recognizing that we are still not where we need to be on gender pay equity in America.

In our region, the Chesapeake Bay is center to our way of life and our economy. Senator MIKULSKI has been one of the real champions on water quality and the Chesapeake Bay. She understands the respect for State and local government, that we have to work together as a team. I know the Governor of Maryland, Governor O'Malley, would agree with me that there is no better friend to the people of Maryland working with the State than Senator BARBARA MIKULSKI, getting the Federal Government on the same page as the State and local governments to get things done for the people of Maryland. That is true with what she has been able to do for all of us working across the Nation.

I think the Baltimore Sun put it best when it said:

> There is nobody more feisty, more willing to take on big business, big government, or anyone when it is time to look out for the interests of her constituents.

I think all of us would agree.

On a personal note, I thank Senator MIKULSKI for her friendship, I thank her for being my buddy and my adviser. Whether she is with Presidents or Kings or the patrons at Jimmy's Restaurant in Fells Point, you get the same common sense, the same down-to-earth person—you get Senator BARB. We are so proud of her.

Thank you, Senator BARB, for what you have done to make this Nation a better place to live. Thank you for being such a role model for young people, especially young women, to get involved, to make a difference. Thank you on behalf of my two granddaughters. Their future is much brighter, their opportunities are much greater because of you, Senator BARB.

Congratulations. Your colleagues here want to express our love and respect and admiration for your incredible service.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from California.

Mrs. BOXER. Mr. President, what an incredible milestone Senator MIKULSKI has reached. The words of her colleagues and the love they feel for her are coming through. It is a wonderful thing for me to be part of this tribute. I don't know how many Senators would have the Governor of their State here—Your Honor; and the former distinguished, incredible Senator Paul Sarbanes is here. That in itself, Senator MIKULSKI, is testimony to your status among all of us.

So many of us are here in the Senate because BARBARA MIKULSKI knocked down the barriers one by one—the first Democratic woman ever elected to the Senate in her own right, the first woman to serve in both Chambers, the longest serving woman in the Senate. Now she has made history once again. This past Saturday, after 12,858 distinguished days of service, no other woman in history has served in Congress longer than Senator MIKULSKI—ever.

Some trailblazers make history, and they are content to stand proudly alone. ''Aren't I great? I did it.'' But not Senator MIKULSKI. She always made clear that she was honored to be the first Democratic woman, but she never wanted to be the last.

I will never forget her saying:

> Some women stare out the window waiting for Prince Charming. I stare out the window waiting for more women Senators.

Well, 17 women, Republicans and Democrats, now serve in the Senate. I know all of us have stories to tell about how Senator MIKULSKI helped us along the way, reaching out to mentor us, encourage us, lead us and organize our regular meetings filled with folders and pens and pencils, and organizing dinners. She and Senator HUTCHISON teamed up. We are so fortunate to have

them working together. We get together now and then. Just in the heat of debate, we sit down and break bread together.

When I considered running for the Senate in 1992, Senator MIKULSKI was the very first person I went to see, after my husband. I was conflicted. I had a good House seat. I was told I could hold it for as long as I wanted, and I was not sure I should give it up for the Senate. I was considered a long shot. Senator MIKULSKI told me the following: ''If you run, and I want you to run,'' she said, ''it will be the toughest thing you will ever do and the best thing you will ever do.'' And she was right.

Those of us of a certain age have probably seen the play or the movie ''A Man For All Seasons.'' Today we celebrate a woman who is truly a Senator for all seasons. Some Members have passion, others have policy skills, some are brilliant negotiators, others great advocates for the least among us, some are very serious students of history, and others are flatout hilarious. But I do not think our country has ever seen so many incredible traits combined in one Senator. Whatever the issue, she will address it. Whatever the problem, she will solve it. Whatever the wrong, she will fix it. Whatever the need, she will meet it. Whenever and wherever people without a voice need a champion with a keen mind, a sharp wit, and an unparalleled ability to speak from the heart and get things done, BARBARA MIKULSKI is there. A lot of us have been there with her, and we have watched her and we love it and we marvel at her. And she does it with a sense of humor that is unparalleled. Anyone who has ever listened to a speech or interview with Senator MIKULSKI has heard her utter these incredible quips, which I fondly called ''Mikulski-isms.''

She has called us women into battle by asking us to go ''earring to earring'' with our opponents. She has challenged us to square our shoulders, suit up, put our lipstick on, and fight. She has said often that women do not want to talk about gender but an agenda that helps America's families.

When asked by Glamour Magazine how she felt about being named Glamour's Woman of the Year along with singer Madonna, Senator MIKULSKI replied, ''She's got her assets, I have mine, and we both make the best of what God has given us.''

When asked about the different perspective women bring, she often says, ''Women, we are not so much about macro issues but, rather, the macaroni and cheese issues.'' Who else could say that better?

When discussing the challenges women face in politics with a group of female parliamentarians from around the world, this is what BARBARA MIKULSKI explained to them when they asked about what is it like and is it tough. She said:

> Let's put it this way. In an election, if you are married, you are neglecting him; if you are single, you couldn't get him; if you are divorced, you couldn't keep him; and if you are widowed, you killed him.

Then there was one of my favorite Mikulski moments. This is a treasured moment. The women of the House still hadn't managed to integrate the House gym, so we were relegated to this tiny room with old-fashioned, hooded hair dryers and hardly any room to move. But there were very few of us, and we decided to make the most of it by having an aerobics class. Of course, coming from California, I organized it.

In came Geraldine Ferraro, Barbara Kennelly, OLYMPIA SNOWE, BARBARA MIKULSKI, and me. Our instructor started the class by asking us to stretch our arms way up, and we do.

Groans.

''Put your hands on your hips.''

More groans.

Now she says, ''Bend from the waist.''

Suddenly, a voice bellows from the back of the room: ''If I had a waist, I wouldn't be here.''

We all turned around to see Senator MIKULSKI, and we just cracked up. Needless to say, that was the end of the aerobics class.

As funny as she can be, I can't think of anyone more resilient than BARBARA MIKULSKI. I remember when she was mugged a few years back, one evening outside her home in Baltimore. A man pushed her to the ground and grabbed her purse. It was terrifying—for the mugger. He had no idea whom he was dealing with. At 4 feet 11, Senator MIKULSKI fought back and defended herself, just like she defends the people she represents, just like she defends women and families, just like she defends equal pay and equal rights and civil rights and the health care of our citizens and the dignity of our seniors.

The truth is, the Senate used to be a very lonely place for women, but Senator MIKULSKI changed that. From the day she was first sworn in, she has carried the challenges, the hopes, and the dreams of millions of women with her. BARBARA MIKULSKI has inspired generations of young women everywhere. She has given them the confidence that they can do it, too, because even as we celebrate this incredible milestone, I know Senator MIKULSKI's greatest hope is that a young girl growing up today will be inspired to follow in her footsteps and one day to break her record. When that happens, it will be because BARBARA MIKULSKI—our dean, our cherished leader, our Senator for all seasons—opened the doors of the Senate wide enough to let the women of America walk in.

Thank you, BARBARA MIKULSKI.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I am pleased to stand and add my experiences with and admiration for Senator BARBARA MIKULSKI. It is fitting that she is now the longest serving woman in the U.S. Congress.

When I first got here—I was elected in 1993—BARBARA MIKULSKI, as the dean of the women in the Senate, had a workshop the previous year for the newly elected Democratic women Senators. When I arrived in 1993, she expanded it to include all new women Senators, and her sort of opening comment was, civility starts with us.

Surely, she has carried through as the dean of the women of the Senate to ensure that all the new women get their bearings in the Senate, that they get the advice of the ones who have been here before. It has been a huge help and really a fun opportunity for us to get to know each other on a personal level as we have our women Senators' dinners.

From this came a book Senator MIKULSKI and I worked on together. The genesis of the book—which became ''Nine and Counting,'' the nine women Senators who were here in the year 2000—came from a meeting called by Senator MIKULSKI to meet with the women of Northern Ireland, along with the women of Ireland, when there was so much strife in that country. BARBARA MIKULSKI called all of the women Senators together, our nine, to give encouragement and advice to the women who were trying to bring the people of Ireland and Northern Ireland together so that there could be a peaceful conclusion to the conflicts in Northern Ireland. From that, as we were sharing our stories to show the women of Northern Ireland how much they could do, from our experiences and our overcoming of obstacles, BARBARA MIKULSKI and I sat down and said:

> You know, I think we have a book here. If each of the nine women Senators could write a chapter about our obstacles and our beginnings in politics and help encourage other young women and girls to aspire to and be able to succeed in politics, then we ought to do it.

So we worked with a publisher. We got together and decided how we would lay it out. We then decided as a group that we would give all of the proceeds to the Girl Scouts of America because almost each of us had been a Girl Scout at one point.

From so from that we put a book out, which is still being sold here in the Senate bookshop called ''Nine and Counting.'' It has given a lot of money to the Girl Scouts of America, to a leadership fund so that they can continue to create girls who will be leaders in our country. But that started with the meeting BARBARA put together for those of us who could maybe give advice and help these women of Northern Ireland.

When I came into the Senate in 1993, the first thing I wanted to do was give equal treatment to women who work at home in their ability to save for retirement as those who workout outside the home. I had the experience, as a single working woman, of putting aside some money for my IRA, and then when I married my husband Ray, I found out I could put aside only $250 in an IRA. I said: Wait a minute. Why would someone working inside the home—a woman

who is probably going to need retirement security more than any of us—not be able to save for her own retirement security if she is a married woman? So I authored the Homemaker IRA, and of course I wanted to have a Democrat lead because we had a Democratic Congress. So I asked Senator MIKULSKI, and she said she would absolutely sign on—as she always does—when it is something that is going to benefit women. So it became the Hutchison-Mikulski bill. I said to BARBARA: I want this bill to pass. I don't care if my name is first. I would love to put your name first if you think that will help us get it through. She said: Absolutely not. I would not take your name off that bill for anything because it was your idea. There are not very many people in this body who would make that gesture and also put her weight behind the passage of the bill.

Of all the things I have done and that we have done together, BARBARA, and of all the things that bill is going to affect the most people in our country because now we have the Homemaker IRA that passed in 1996 that allows women—whether they are married and working at home or outside the home and single or married—they will be able to set aside the same amount. Fortunately, that amount has grown, and so it is not $2,000, but it can be $2,500 or $3,000 or $5,000, depending on their age. It is a wonderful thing we were able to do together.

Senator MIKULSKI and I also worked on behalf of Afghan women. When we started hearing the atrocities that were happening to the women of Afghanistan that were brought back by great women's organizations, such as Vital Voices, that told stories of not only unequal treatment of women in Afghanistan but inhumane treatment of women in Afghanistan. Senator MIKULSKI, Senator Clinton, and I introduced the Afghan Women and Children Relief Act, which was signed into law in December of 2001, which authorized funding for women in Afghanistan and Afghan refugee women. Political participation was supported for Afghan women, and we followed up with appropriations. I have to say our Republican President, President Bush, and our Democratic President, President Obama, have always said American money will go into Afghanistan or Iraq or anywhere else to support equally the education of girls and boys; that we would support women where they are not being treated as equals on a human rights basis. So our Presidents have stood and, of course, our bipartisanship in Congress has done the right thing. Again, Senator MIKULSKI is a leader in that area.

I cannot think of a stronger supporter in this Senate than BARBARA MIKULSKI in the area of NASA. I wish to say Senator BILL NELSON also has been such a strong supporter, as well as Senator LAMAR ALEXANDER, but Senator MIKULSKI and I now are the—she is the chairman and I am the ranking Republican on the committee that is appropriating for NASA. We are also fortunate to have Chairman JAY ROCKEFELLER on the authorizing and oversight committee for NASA. He, too, has been such a strong leader in assuring that we continue America's preeminence in space.

When the rubber hits the road in appropriations, Senator MIKULSKI has been there to say: We are going to have the science in the Hubble telescope, which has given us so much information, as well the James Webb telescope. Now, of course, we have the human space flight issues and BARBARA MIKULSKI has been right there saying, of course we are going to utilize the International Space Station, of course we are going to keep America's priorities in space because it has done so much for our economy and our jobs and our technology and our health care improvements, but it has also been a national security issue that BARBARA MIKULSKI recognizes, first and foremost.

I cannot match a lot of the stories about BARBARA MIKULSKI and her personality, but I can tell you I took BARBARA MIKULSKI to tour the Johnson Space Center in 2001, and we did a wonderful event at Baylor College of Medicine to talk about the research that is being done in the biomedical sciences and on the space station. I thought, I am going to bring BARBARA where we can show her a little bit of Texas.

We know Texas has a lot of personality and sometimes we are thought to have a little too much fun, but I will tell you what, BARBARA is one of us. I brought her to the Houston rodeo. During the month of the Houston rodeo, everybody is ''Go Texas,'' and everybody dresses Texan, which means cowboy, and we have a great time. So I took BARBARA MIKULSKI into the steer auction, where just this past Saturday a steer was sold for $460,000.

It is a grand champion steer, I might say. All of that money goes for scholarships for our young people to go to college.

BARBARA came into the steer auction, and she looked around. There were 2,000 people at the breakfast before all these people are going to go and bid on the steers so we can fund scholarships. We were all dressed appropriately for Texas, and she reached over to my ear and she whispered: Now, KAY, if we were here on Monday morning and we went to a chamber of commerce meeting, do these people look like this? I love to tell that story in Houston because it gets huge laughs. She won over everybody in Houston. They adored her from the beginning. She put on her cowboy hat, she rode in the grand entry on a buckboard and she became an honorary Texan in our hearts. So BARBARA MIKULSKI knows how to win over others.

Let me mention one of my early experiences when I first came into the Senate. There was an effort to have health care reform. A program was put forward and this particular program had some things that were good, but one of the things in it was that no health insurance coverage would be required for women to have mammograms if they were 40 or below. I will tell you something, the biggest eruption in the Senate was BARBARA MIKULSKI saying: Are you kidding? I will not let this go by me in the Senate. We are not going to say that a woman who is 40 or under is not going to be eligible for insurance coverage for a mammogram. It is not going to happen. BARBARA MIKULSKI took the lead, and I am going to tell you, the first thing that came out of that plan was that provision, and it will never be in a plan as long as BARBARA MIKULSKI is in the Senate. So I am just going to tell anybody who is looking at health care reform, take a little advice, don't mess with BARBARA MIKULSKI because we are going to have mammograms.

Not only that, BARBARA MIKULSKI came forward in the next month and passed unanimously in the Senate a mammogram standards bill. During this process she learned that there were varying degrees of standards of mammography. She was going to make sure there were standards that every clinic would have, that every piece of equipment would have and she led the effort. It is law today.

I will end with yet another accomplishment; that is, single-sex education in public schools. Senator Jack Danforth of Missouri started looking at the issue and said: We need to allow our public schools to offer single-sex education—meaning girl schools and boy schools—because so many of us have seen that we have to adapt education for the needs of each individual child to the best of our ability. We know there are so many wonderful private schools for boys and girls, but we could hardly have a public school that would be single sex in this country in the 1990s.

So Jack Danforth started the effort, and when he left the Senate, I picked it up. The more I looked at it, the more I saw the benefits to boys and to girls—particularly in the middle and high school grades—were palpable. Senators Clinton, BARBARA MIKULSKI, SUSAN COLLINS, the three of them, had gone to an all-girls school. I had not, but they knew the benefits firsthand of single-sex education. BARBARA was the product of single-sex education, having gone to a parochial school.

I first introduced the amendment in 1998, but it was in 2001—when the four of us came together—that we actually got the bill passed through an amendment and that amendment then not only made public single-sex education an option and legal, it also made it eligible for Federal funding grants similar to all our public schools.

I wish to say it has been one of the joys of my time in the Senate to work with Senator BARBARA MIKULSKI, and I think this 4-foot-11-inch mighty-might has 10 times the impact. She has made an impact on Congress and an impact

on America because she is relentless, she is reasonable, she understands an issue, and she understands the importance of listening as well as talking. She is effective and she is respected. If there is anyone in the Senate who doesn't like her, respect her, and work well with her, I have not met them. When one is the longest serving woman in the Senate and Congress, they have worked with a lot of people. She is unanimously so well regarded, I have never met an enemy of hers.

I will close by saying the people who know her best love her most, and I cannot think of a finer thing to say about any person.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, first of all, I wish to say what a pleasure it is to welcome Senator Sarbanes back. I had the pleasure of sitting beside him on the Foreign Relations Committee for 24 years. We miss his judgment and wisdom. We could use it these days.

I wish to welcome Governor O'Malley. I can't think of a time, when people have stood up to laud a fellow Senator, that a Governor of their State is sitting and listening. All of the comments to this moment and beyond will undoubtedly echo the remarkable affection that everybody has for BARBARA MIKULSKI and particularly the high regard in which she is held.

This is a very special celebration for the longest serving woman in the history of the Congress, 12,862 days today and counting. In that time—I recall when I first came here there was one woman serving, and that was Senator Nancy Kassebaum—it is fair to say BARBARA MIKULSKI has been one of the pivotal forces in creating and assembling what I would call a true ''band of sisters''—the women with whom she has served in the Senate, each of whom makes extraordinary contributions to this institution.

We have heard from other colleagues that her career is filled with milestones, and it is. She is the first Democratic woman to serve in both Houses of Congress. She is the first Democratic woman elected to Senate leadership. She is the first woman elected to statewide office in Maryland. These are just a few.

When BARBARA came to the Senate in 1986 after 10 years in the House of Representatives, women were still, as she describes it—these are her words—''a bit of a novelty'' in the Senate. Indeed, then, it was only BARBARA and Senator Nancy Kassebaum. But now BARBARA says:

> We're not viewed as novelties. We're not viewed as celebrities. We're viewed as U.S. Senators.

One of the reasons for that is that BARBARA MIKULSKI has demonstrated a seriousness of purpose, an ability to legislate, and an ability to make friends and bring people together that has defined her role as the dean of the women in the Senate.

Some of her women colleagues in the Senate call her Dean. Others call her Coach BARB. But no matter what they call her, she has brought them together in this bipartisan sisterhood, as we just heard from the Senator from Texas. She holds workshops and serves as a mentor to all newcomers and organizes regular monthly dinners. They don't always agree on everything, but the dinners are what some of them have called a ''zone of civility,'' which is something the Senate could use a little more of these days. Again, it is BARBARA MIKULSKI's example that helps point us in that direction.

But for all of her firsts, I would say to my colleagues that BARBARA MIKULSKI's career has never been about gender as much as it has been about agenda. I have had the privilege of working with her enough on different issues of being what she calls one of her Galahads. I have seen her laser focus on what is right, on her conscience, on her gut, on her sense of what the people of Maryland want, and what she thinks is her duty as a Senator. That is why I wanted her on the Speaker's platform in 2004 in Boston at the convention, and she delivered just the right message in her forceful and commanding way. She stood up there and declared:

> When women seek power, we don't seek it for ourselves; we seek it to make a difference in the lives of other people.

There is no arguing, as we heard from a number of colleagues, about what an extraordinary difference BARBARA MIKULSKI has made in the lives of other people, not just Marylanders but all Americans. She has been an extraordinary advocate for the Goddard Space Center, for the Wallops Flight Facility, and for Johns Hopkins Applied Science Lab in Maryland, as well as the Port of Baltimore and Chesapeake Bay cleanup efforts.

For decades, she proudly worked beside my colleague of 26 years Ted Kennedy. She loved Ted Kennedy and Ted Kennedy loved her. Together, on the Health Committee, they worked to make universal health care a reality. Her role when Senator Kennedy was sick was an extraordinary role of picking up that baton and helping to bring it across the finish line.

Along the way she became a leader on women's health, fighting for equality in health research and making sure women get the quality of care they deserve. She was one of the chief sponsors of Medicaid financing of mammograms and Pap smears.

Personally, I will never forget how BARBARA reacted when the National Institutes of Health said it would not include women in trials of aspirin as a preventive for heart attacks because ''their hormones present too many biological variables.'' BARBARA fired back: ''My hormones rage because of comments like that.''

Her proudest accomplishment, she says, is the Spousal Anti-Impoverishment Act, which helps to keep seniors from going bankrupt while paying for a spouse's nursing home care. But throughout her career, BARBARA MIKULSKI has fought to strengthen the safety net for children, for seniors, and for anyone who needed somebody to stand for them or push open a door for them.

That fight started in east Baltimore where her Polish immigrant grandparents ran a bakery and her father a grocery store. She says she often watched her father open the doors to his grocery store for local steelworkers so they could buy their lunches before the morning shift. She got it in her head at that time that she would rather be opening doors for others on the inside than knocking on doors from the outside.

So no surprise, after college she got a job as a social worker helping at-risk children and educating seniors about Medicare. She got involved in politics by organizing community groups to stop a highway from going through the Highlandtown neighborhood where she grew up. Let me tell my colleagues, nobody had ever seen anything like her. At one rally, she jumped up on a table and cried:

> The British couldn't take Fells Point, the termites couldn't take Fells Point, and goddamn if we'll let the State Roads Commission take Fells Point.

As they say on ESPN, the crowd went nuts, and the roads commission never knew what hit them. And I assure my colleagues, that was a nonprofane use of our Lord's name.

Again, no surprise, that led to her election to the Baltimore City Council. I think that explains a lot about just how good a politician she is—how well she knows the street. I think every one of her colleagues, all of us, are in awe of BARBARA's ability to focus on the street emotion, on the simplicity of an argument, and to be able to sum it up in a razor-like comment that just cuts to the quick and makes the rest of us who search around for the words seem pretty inept in the process. Whether it is at Camden Yards, Fells Point, the Eastern Shore, the Washington suburbs, or up along the Mason Dixon Line, BARBARA has her finger on the political pulse of Marylanders. She understands their concerns, shares their aspirations, and sums up their hopes and their dreams in a few short sentences that nobody else can parallel.

If anyone expected BARBARA MIKULSKI to accept being just a novelty or a celebrity in Congress, they obviously had no understanding of her deep roots as an immigrant, being an American, and the values she learned about hard work in her family.

If anyone expects her to slow down just because she is now the longest serving woman in the history of Congress, they don't know BARBARA MIKULSKI. A couple of years ago, BARBARA and I talked—I think it was at one of our retreats—about how similar Maryland and Massachusetts are in certain ways, especially their rural and fishing histories which we actually both have.

She told me she wasn't much of a fisherman, but she liked to hunt. The only problem she cited was the recoil of the rifle given that she stands 4 feet 11 inches tall.

Well, it is clear from the record, clear from the comments of all of her colleagues, and clear from this extraordinary longest serving record in the Congress and all that she has accomplished that she stands as one of the tallest Senators and packs a punch way beyond her 4 feet 11 inches.

We are proud to have her as a colleague, and we are in awe of her ability to galvanize action, which is what this institution should be all about.

Mr. LEVIN. When you read over the long list of Senator BARBARA MIKULSKI's accomplishments, one word keeps coming up, ''first.'' First woman to be elected to the Senate from Maryland, first woman of her party to serve in both the House of Representatives and in the Senate, first woman to serve in the Senate leadership. Today we gather to honor Senator MIKULSKI, who in addition to her many firsts, now stands as the longest serving woman in the history of the Congress.

Senator MIKULSKI began her service in Congress in 1976, and in all her time here since, she has championed the causes dearest to her—causes dear to the needs of her constituents and to our Nation's most vulnerable citizens.

As chairwoman of the Children and Families Subcommittee, Senator MIKULSKI has been a determined champion of the young, the old, and the sick. She has fought for access to higher education for every child because she believes ours is a nation where every young boy and girl should have the chance to reach his or her true potential. She has fought for secure pensions for seniors because she believes ours is a nation where, after a lifetime of work, every person should have the chance to enjoy their retirement. And she has fought for preventive screening and treatment for every woman because she believes ours is a nation where no one should lose a mother, daughter, or wife from a preventable illness.

As chairwoman of the Commerce-Justice-Science Appropriations Subcommittee, Senator MIKULSKI has led the charge to promote economic development, equip our first responders, and invest in science and research. Senator MIKULSKI understands the importance of the private sector, particularly small businesses, in creating job opportunities. That is why she has fought for legislation making it easier for businesses to make investments and hire new workers. No one has fought harder to support our emergency first responders than BARBARA MIKULSKI, who said:

> We must protect our protectors with more than just words—we must protect them with the best equipment, training and resources.

Senator MIKULSKI is also committed to the promotion of scientific research and laying the groundwork for maintaining U.S. leadership in the area. She has advanced legislation to substantially increase the number of students earning degrees in science, technology, engineering, and math.

As a Senator from Maryland, Senator MIKULSKI understands the importance of the Federal workforce. Many of her constituents are responsible for the high quality of life many of us take for granted every day. Whether its food inspectors, air traffic controllers, or medical researchers, many Marylanders who make up the Federal workforce contribute to our Nation's health and safety. Fortunately for them, and the rest of us, they have a powerful advocate in the Senate. Senator MIKULSKI said, ''I want every Federal employee to know I am on their side.'' Indeed she is—not only because it is in the interests of her State, but because she knows well that an effective Federal workforce is in the interests of every citizen in every State. Throughout her career, Senator MIKULSKI has fought off misguided efforts to privatize essential functions of the Federal workforce, and fought for fair pay and benefits for these committed public servants.

Fair pay has been a focus for Senator MIKULSKI, and women across the country can be grateful for that. In 2007, the Supreme Court considered the case of Lilly Ledbetter, a woman who for nearly 20 years had been paid less than her male coworkers for equal work. In its decision, the Court ruled that Ms. Ledbetter could not proceed with her case, not because it had no merit, it did; but because of a technicality. Once the Supreme Court rules against you, where can you turn? Just ask Ms. Ledbetter; she will tell you. Senator BARBARA MIKULSKI introduced the Lilly Ledbetter Fair Pay Act to address the flawed Supreme Court decision; and on January 29, 2009, it was signed into law.

In the Book of Genesis, the first question asked of God is ''Am I my brother's keeper?'' Senator BARBARA MIKULSKI has spent a lifetime and built a career in answer of that question. She said:

> I feel that I am my brother's keeper and my sister's keeper. I think that's why I am shaped by the words of Jesus himself: Love they neighbor. And I took it seriously.

The Senate is better off because she did. The people of Maryland are better off. Our Nation is better off. I am grateful not just because she has become the longest serving woman in the history of Congress, but because she has served her Nation so well.

Ms. COLLINS. Mr. President, today I wish to offer my heartfelt congratulations to my esteemed colleague and dear friend, Senator BARBARA MIKULSKI, on becoming the longest serving woman in the history of the United States Congress. This milestone, reached on March 17, marks 12,858 days—more than 35 years—of dedicated service to her beloved State of Maryland and to our Nation.

A little more than a year ago, in January of 2011, Senator MIKULSKI began her 25th year in the Senate, surpassing my personal role model in public service, Senator Margaret Chase Smith, the Great Lady from Maine. Adding in her 10 years in the House, Senator MIKULSKI now establishes the record for longevity in either chamber, set by Congresswoman Edith Nourse Rogers, who represented Massachusetts but was born in Maine.

For me, the special meaning of this occasion goes far beyond such coincidences. Just as Congresswoman Rogers and Senator Smith inspired young women in the past to lives in public service, Senator MIKULSKI inspires the young women of today. As a new Senator in 1997, I was welcomed by her kindness and helped by her wisdom. She taught me the ropes of the appropriations process and instituted regular bipartisan dinners for the women of the Senate.

It has been a privilege to work with Senator MIKULSKI for 15 years. During that time, I have come to know her as a fighter and a trailblazer.

Senator MIKULSKI is, above all, a hard worker. Growing up in east Baltimore, she learned the value of hard work at her family's grocery store. Her commitment to making a difference in her neighborhood led her to the path of service, first as social worker, then as a city councilor and as a Member of Congress.

Senator MIKULSKI's longevity is only the preface to her story of exceptional accomplishment. She has fought for increased access to higher education for our young people and for improved health care for our seniors. I am proud to have fought at her side on those issues, as well as for increased Alzheimer's research, improved women's health care, and enhanced educational opportunities for nurses.

As House colleagues during and after World War II, Margaret Chase Smith and Edith Nourse Rogers were instrumental in achieving full recognition for women in uniform. Senator MIKULSKI carries on that legacy as a determined advocate for all who serve our country. Working with her on the Appropriations Committee, I have witnessed firsthand how seriously she takes her responsibility to the American taxpayers.

Throughout her life in public service, Senator MIKULSKI has lived by one guiding principle: to help our people meet the needs of today as she helps our Nation prepare for the challenges of tomorrow. It is an honor to congratulate Senator BARBARA MIKULSKI for her many years of service, and to wish her many more.

Mr. COCHRAN. Mr. President, it is heartwarming to see such a spontaneous outpouring of respect and appreciation for the distinguished Senator from Maryland, Ms. MIKULSKI. It is certainly well deserved.

She is one of the hardest working and most effective Senators serving in the Senate today. It has been a great pleasure working closely with her on the Appropriations Committee.

Mr. HATCH. Mr. President, today I wish to pay tribute to our dear friend and colleague, the senior Senator from Maryland, BARBARA MIKULSKI. This week, Senator MIKULSKI became the longest-serving woman in the history of the United States Congress. That is quite a milestone and I want to congratulate her on her many years of devoted service to the people of her home State.

Senator MIKULSKI is a Maryland native. Descended from Polish immigrants, she was born and raised in Baltimore. She attended college at both St. Agnes College in Baltimore and the University of Maryland.

After several years of working as a social worker in the Baltimore area, Senator MIKULSKI began her political career in 1971 when she was elected to the Baltimore City Council. She served there for 5 years before running for Congress in 1976. For 10 years, she represented the Third Congressional District of Maryland. Then, in 1986, she was elected to serve here in the Senate.

Although the milestone we are recognizing today is a significant one, it is not the first for Senator MIKULSKI. Indeed, throughout her time in the Senate she has been a pioneer for women in public service.

For example, Senator MIKULSKI was the first woman elected to statewide office in Maryland. She was also the first Democratic woman elected to a Senate seat that was not previously held by her husband. And, she was the first woman to serve in both the Senate and the House of Representatives.

I have known Senator MIKULSKI a long time, having served with her in the Senate for over 25 years now. While she and I have often found ourselves on opposite sides of many issues, I have long admired her commitment to her principles and, most importantly, her devotion to the people of her home State. Indeed, she has been a stalwart and often times fierce advocate for the interests of Marylanders.

I want to congratulate Senator MIKULSKI on this important milestone and I am grateful for this opportunity to pay tribute to her and to her many years of public service.

Mr. ENZI. Mr. President, I greatly appreciate having this opportunity to join my colleagues in expressing our congratulations to BARBARA MIKULSKI as she reaches another great milestone in her career of service to the people of Maryland in the United States Congress.

Senator MIKULSKI is now the longest serving woman in the history of the United States Congress. Although outstanding in and of itself, it is an achievement that represents far more than the number of years she has served in the nation's Capitol. It is also a testament to her outstanding public service and her commitment to our future that has made it possible for her to help to make our great Nation both stronger and more secure.

Back home, Senator MIKULSKI's constituents have come to appreciate her more and more as they have seen how hard she works to represent them every day. That is why they always come out in such great numbers every election day to make sure she will continue to do so. They can see the difference she has made all around them and they appreciate the way she has made their cities and towns better places to live.

I have often heard Senator MIKULSKI referred to as the Dean of the Senate women, a title she has earned that was conferred upon her with the great admiration, affection and appreciation of those with whom she has served. Over the years so many of them have acknowledged the difference she has made in their lives with her support, her encouragement, her guidance and her direction. She has been such a great mentor to them because she has always led the best way—by example. It is another mark of distinction that has come to her as, each day, she has helped to write another chapter of the history of Maryland and this great Nation of ours.

Looking back, she has played an active role in a long list of changes that have come to our country over the years. Because she has been at the forefront of so many of them she has been a role model not only for those with whom she has served, but for those who have been watching her in action back home. I have no doubt, in the years to come, many more women will serve in the House and the Senate who will credit Senator MIKULSKI for first giving them the idea of serving in the Congress. Her own record of success then assured them that it would be possible for them to do the same if they were willing to work hard and take their case to the people for their consideration.

In the end, that is what our service in the Senate is all about—doing everything we can so that the current generation will have the tools they will need to succeed and then take their place as the next generation of our nation's leaders. Thanks to good people like BARBARA MIKULSKI the people back home know that someone cares. She has given them a voice and it is heard and heard clearly whenever she takes to the Senate floor to make their concerns known.

I have often heard it said that the meaning of public service is found in the definition of the word ''service.'' That is why we are taking a moment today to thank Senator MIKULSKI for putting her principles and her beliefs into action all these many years for her beloved Maryland and the United States of America. If I may paraphrase the words of Abraham Lincoln, it isn't so much her years of service that matters so much as the service of her years. Through the years she has made a difference in so many ways that will be long remembered and celebrated.

Congratulations, BARBARA. You are setting a record pace here in the Senate. From this day on, you will be setting a new record every day. Thank you for your service, but most of all, thank you for your friendship. Diana and I have appreciated having the chance to come to know you and to work with you.

Mr. BINGAMAN. Mr. President, I rise today in tribute to Senator BARBARA MIKULSKI of Maryland, who has just become the longest serving woman in Congress, and to applaud the pioneering role that she has played in the evolution of the Senate.

Things have certainly changed since 1986, when Senator MIKULSKI was elected to the Senate. When Senator MIKULSKI joined the Senate as the first Democratic woman elected in her right as opposed to filling the term of a spouse, the Senate looked very different. There was only one other woman senator, Nancy Kassebaum, a Republican from Kansas. The Senate had just begun to televise their proceedings the year she was elected. And, obviously, there were no women in leadership positions in the Senate.

Senator MIKULSKI set out to change all that. She became the first woman in the Democratic leadership. She became the first woman to serve on the Appropriations Committee. And then she became the first woman to chair the Senate CJS Appropriations subcommittee.

And things certainly have changed. Now, in the 112th Congress, there are 17 women, both Republican and Democrat, in the Senate overall. There are seven women on the Appropriations Committee alone. Five women chair Senate committees. Women have had significant roles in both the Democratic and Republican Senate leadership.

While all of these changes were clearly not solely a function of Senator MIKULSKI's pioneering leadership, she blazed a trail as bright and as wide as anyone could possibly hope for. With her impassioned speeches, her plain spoken delivery, and her commitment to fairness and justice, Senator MIKULSKI could not be ignored or pigeonholed. She stood up for what she believed in, and she would not allow her voice to be silenced.

Senator MIKULSKI cared deeply about health care issues, and women's health in particular. When she learned that many Federally-funded research protocols did not include women, she led the fight to insure that would never happen again. She established the Office of Women's Health at NIH to ensure women would always have a voice in critical health issues.

One of her proudest accomplishments was working to pass the spousal impoverishment law, which changed the rules that forced elderly couples to spend all their assets and give up their home before the Government would help one member of the couple pay for a nursing home.

Finally, I would be remiss if I didn't mention Senator MIKULSKI's efforts on

behalf of her beloved State of Maryland. From the crabbers of the Chesapeake Bay to the steelworkers at Sparrows Point to the scientists at Goddard to all the other families all across the State, no one has worked harder to give them a voice on Capitol Hill than BARBARA MIKULSKI. On this historic day, I wish her the best, and I know that as long as she is a United States Senator, she will never stop fighting for what she believes is right.

Mr. BAUCUS. Mr. President, we mark March as Women's History Month, as a time of year for us to remember the valiant female leaders of our great Nation. One of them is very special to Montana. In 1916 Jeannette Rankin was the first woman elected to the United States Congress, 4 years before women were granted the right to vote.

As a member of the House of Representatives, her daring and vocal stance on controversial issues such as war and peace brought critical recognition from the press. In every situation, the strength of her values persisted, even under the pressures of unanimous opposition to a war with Germany. Jeannette Rankin said, ''I may be the first woman Member of Congress, but I won't be the last,'' and helped to pave the way for future generations of women leaders.

This past Saturday, March 17, 2012, marked a monumental day in American history. The Senator from Maryland, Ms. BARBARA MIKULSKI, celebrated her 35 year in the United States Congress.

That important accomplishment is a milestone for American culture and female leaders in Congress. Senator MIKULSKI is now the longest serving female in the Senate and in the history of the U.S. Congress. She spent her first 10 years in the House of Representatives, followed by the next 25 years here in the Senate. She has worked every day to make America a better place for the next generation.

When Senator MIKULSKI began her work in the House of Representatives, there were 18 female Members of the House and three female Members of the Senate. When she began her first term in the Senate, there were 23 female Members of the House and only one other female Member of the Senate. Now, she is a leader among our 17 female Senators and 76 female Members of the House of Representatives.

Her strong sense of community and instinctive nature pertaining to the needs of Americans is exemplified by her action-oriented attitude. Even before her tenure in Congress, as a social worker for the people of Maryland, Ms. MIKULSKI was active in local issues in and around the Baltimore area and worked to help at-risk children and seniors. She continues working passionately to address those issues throughout her tenure in Congress.

Her advocacy for justice and contributions to social issues are evident with her work to fight for women's rights and improved access to health care, to better education, and to volunteering and national service opportunities. She offers tremendous leadership for the Senate both as the chairwoman of the Health, Education, Labor, and Pensions Subcommittee on Primary Health and Aging, and as the chairwoman of the Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies.

Like Jeannette Rankin, Senator MIKULSKI has been a leader and an exemplar for strong and courageous women leaders in America.

Senator MIKULSKI gets things done, and I have enjoyed our friendship during our work together in the Senate. Her brave spirit is one that sets the bar for new and incoming Senators, both male and female. I congratulate Senator MIKULSKI on her special day and I look forward to continuing our work in the Senate together.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, first of all, let me say I am enormously touched and gratified by the warm words my colleagues have spoken on both sides of the aisle. I am particularly moved by the fact of the men of Maryland who are here today. I am moved by the wonderful words of Senator CARDIN, my colleague. I am moved as well that Governor O'Malley is here today.

When I came to the Senate, Senator Paul Sarbanes was my senior colleague, and he is here today as well. Governor O'Malley and Senator Sarbanes are on the bench, but these men are certainly not back-benchers. I must say about the Governor and Senator Sarbanes and Senator CARDIN, they prove the old adage that men of quality will always support good women who seek equality. I have enjoyed their support, their wise counsel, and their collegial efforts on behalf of the people of Maryland during my years in Maryland politics.

It is a great honor to be here today passing this significant benchmark of becoming the longest serving woman in the history of the Congress, both in the House where I served for 10 years, and in the Senate. It is a great honor for me to be able to pass into the history books along with such an esteemed person as Senator Margaret Chase Smith. We spoke about that in January 2011 when I was sworn in. There were tributes that day and wonderful words from our two women Senators from Maine. Today—actually over the weekend—I surpassed the record of Edith Norse Rogers who was the longest serving woman in the House. Both of those women came from New England. They were both hardy, resilient, and fiercely independent. I, as I have read their histories, so admired them. They were known for devotion to constituent service, an unabashed sense of patriotism, and kind of telling it like it is. I hope that as I join them in the history books, I can only continue with the same spirit of devotion to duty and that fierce independence and patriotism.

I didn't start out wanting to be a historic figure. To, ''What do you want to be when you grow up?'' you don't say, ''I want to be a historic figure.'' When I was growing up, it was about service. For me, it is not how long I serve, it is not about history. For me, history books were Jane Adams and Abigail Adams and powdered wigs. I just welcome a day when I have time to even powder my nose, let alone powder my wig. But the fact is, when I grew up, I wanted to be of service. I learned that in my home, in my family, in my community, and with the wonderful nuns who taught me.

Today my colleagues have spoken about my wonderful mother and father. I had a terrific mother and father. I am so happy my two sisters and my fantastic brothers-in-law are joining me today. I only wish my mother and father could be here with me because they worked so hard to see that my sisters and I had an education at significant sacrifice to them. But they were really wonderful people where others saw them in a life of business. Every day my father would open his grocery store and say, ''Good morning, can I help you?'' When he did, he wanted to assure that his customers got a fair deal.

My father opened his grocery store during the New Deal because he believed in Roosevelt and because, as my father said, ''Barb, I know Roosevelt believed in me.''

I also had the benefit of the wonderful Catholic nuns who educated me. I had the benefit of going to a school called the Institute of Notre Dame and then Mount St. Agnes College, the Sisters of Notre Dame and the Sisters of Mercy. These women, who concentrated their lives on the message of Christianity and the message of Jesus Christ, wanted to make sure that women in America could learn and be a part of our society. They didn't only teach us our three Rs, they taught us about leadership and service. But they also taught us about other values—the values of love your neighbor, care for the sick, worry about the poor, and be hungry and thirsty for justice.

When I was at the Institute of Notre Dame, a school that NANCY PELOSI went to as well, there was something called the Christopher movement after St. Christopher. The motto was, ''It is better to light one little candle than to curse the darkness.'' That is what I wanted to do. I wanted to be a social worker. I even thought about being a doctor. One time I even thought about being a Catholic nun, but that vow of obedience kind of slowed me down a little bit.

In this country wonderful things happen. When my great-grandmother came to this country, she had little money in her pocket but a big dream in her heart: that she could be part of the

American dream, that she could own a home in her own name, in her own right; that she could have a job and so could the people in her own family; and that based on merit and hard work you could be something. Well, in three generations, I have become a Senator. Only in America the story of my family could have occurred—modest beginnings, hard work, effort, neighbor helping neighbor.

Much has been said about my fight for the highway. I was thinking about getting a doctorate, a doctorate in public health at Johns Hopkins. But they were going to run that highway through the neighborhoods, the older ethnic neighborhoods, the African-American neighborhoods. We were viewed in some of those neighborhoods as the other side of the tracks. I wanted to fight to keep those neighborhoods on track. So I took on city hall, and I did fight them.

In this country, what happened? In another country, they would have taken a protester like me and put me in jail. Instead, in the United States of America, they sent me to the city council. I worked hard there, and 5 years later, when Senator Paul Sarbanes, who was a Congressman, ran for the Senate, I ran for his House seat, and I got the job.

When I arrived in the House in 1976, only 19 women were serving: 14 Democrats and 5 Republicans; only 5 women of color. In 2012, there are 74 women in the House: 50 Democrats, 24 Republicans; 26 women of color. In the Senate, there are now 17 women serving: 12 Democrats, 5 Republicans. Today, we saw visiting us Senator Carol Moseley-Braun, a woman of color who served well while she was here.

Those are the numbers and those are the statistics. And though I join this long number of firsts, for me it is not how long I have served but how well I have served. When I came to Congress, I became a Member for the fabulous Third Congressional District of Maryland. My job was to represent a blue-collar community that was in economic transition. What did we do? We were a community that built things here so we could ship them over there. We built cars. We built ships. We made steel. We knew if a country did not make something and build something, it could not make something of itself.

I fought for those blue-collar people. I fought to keep those jobs in manufacturing. We fought for the Port of Baltimore, its dredging, so we could bring in the big ships so we could have exports. We worked again for those people in those manufacturing areas while we saw jobs go overseas. Then we worked very hard for cities to make sure our cities were safe, that we had great schools, and that they had a chance of making it.

I fought hard for health care. One of my greatest pieces of legislation was the Spousal Anti-Impoverishment Act, so that if one spouse went into a nursing home, the other spouse would not have to spend down their life's savings and lose their home. AARP tells me my legislation of so many years ago, that stands today, has kept 1 million people—1 million people—from losing their home or their family farm.

Those were the battles then. Those were the battles when I changed my address and I came to the Senate. Although I changed my address, the battles are still the same: jobs, social justice, opportunity, based on hard work, peace in the world, and I continue to fight for this.

But for me, it is not only about issues. Issues are so abstract. Issues can be so bloodless when we talk about it. For me, issues are about people—the people I represent in my own hometown, the people I represent in my State, and the people who live in the United States of America.

My favorite thing is being out there talking to the people, going into diners, going table to table, listening to their stories, holding roundtables with parents whose children have special needs, meeting with scientists who have discoveries they think will lead to new ideas and new products that will bring new jobs, meeting with universities that train our workforce. For me, it is about the people.

So as I pass this important benchmark, which I am so honored to do, I want people to know I am still that young girl who watched her father open that grocery store every day and say: ''Good morning. Can I help you?'' I am still that young girl who went to the Institute of Notre Dame and Mount St. Agnes College who said: I am going to light one little candle. I do not want to curse the darkness. I want to continue to fight for a stronger economy, a safer America, the people of Maryland.

In conclusion, I want to say thanks. I am going to thank the Dear Lord for giving me the chance to be born in the greatest country in the world, to be able to work hard and serve in one of the greatest institutions in the United States of America. But nobody gets to be a ''me'' without a whole lot of ''thee.''

I thank my family. I thank the religious women who educated me. I thank all of my staff who have worked so hard to help me do a good job. And I thank the countless volunteers who believed in me and worked for my election when nobody else did. Most of all, I thank the people of the Third Congressional District and the State of Maryland for saying: BARB, we are going to give you your shot. Don't ever forget this. Don't ever forget us. I want them to know, though I have now served in the Senate 12,892 days, I will never forget them. Every morning I am saying in my heart: Good morning. Can I help you?

Mr. President, I yield the floor.

(Applause, Senators rising.)

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I am so honored to join so many of my Senate colleagues and people from Maryland and across this country in recognizing and congratulating the amazing woman you just heard from, my good friend from Maryland Senator BARBARA MIKULSKI, who, as you have just heard, has just become the longest serving female Member of Congress in the history of the United States.

This is an achievement that takes courage, it takes passion, and it takes commitment. Those are three attributes all of us who know her so well know she has in abundance. But my good friend, Senator MIKULSKI, has not just served long, she has served well.

The senior Senator from Maryland, over her 35 years in Congress, has established herself as a trailblazer, as a leader, and as a fighter for the people of her State. It is fitting that this milestone was reached during Women's History Month because Senator MIKULSKI has given so much of herself in support of other women in Congress. She has guided us, she has shown us how to stand and fight, and she has taken all of us under her wing.

Senator MIKULSKI realized when she arrived here that there was no rule book for women in Congress. So she took it upon herself to guide the way. She drew on her own experiences to make the transition easier for all of us.

She organized seminars that you have heard about. She taught us how to work together. She taught us about the legislative process, the rules on the floor, and the many more subtle rules off the floor.

In short, Senator MIKULSKI showed us the ropes, and she has done it every day I have been here for all the women who have come since she has been here. While she knows it is important and courageous to lead the charge, she also understands the first ones have to be responsible and successful so others can follow. It is because Senator MIKULSKI has done her job so well that other women have been able to follow in her footsteps.

She is here today as the longest serving woman in Congress, not by accident or by happenstance. She is here because she has earned it, because the people of her State know she is an indispensable champion of their causes, because she does work across party lines, and because she delivers results.

I know many years from now when women have achieved a larger, more representative role in our Nation's Capital, Senator MIKULSKI will be at the very top of the list of people to thank—the person who not only forged the path but who went back and guided so many of us down it.

I know many of my colleagues are on the floor today to thank Senator MIKULSKI. But I am here especially to thank her, as one of those women who have followed in her footsteps, for her more than 35 years of service to her State and to her country. Those of us who know her well know she is not even close to being finished.

So, Mr. President, my very best to my very good friend, Senator MIKULSKI. I wish her very well in her next 35 years.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President I too want to speak of my dear friend BARBARA MIKULSKI, who is just precious. She is precious to her family. She is precious to the people of the Third Congressional District that she represented for 10 years. She is precious to the people of Maryland, precious to the people of the United States, and precious to those of us who have the privilege of serving with her in this body.

She has been affectionately known as a few things: The dean of women; the breaker of the ceiling, as PATTY MURRAY just said; setting the stage, setting the rule book—writing the rule book—for women in the Senate.

There will be 51 women in the Senate 1 day—there will be—and it will come much more quickly because BARBARA MIKULSKI was the first. There is no question about that. The Senate will be a better place for it in so many different ways.

She is also not only known as the dean of women, we love her. She is known as BARB. I love calling her on the phone late at night and having her say: This is BARB. Please call me. Make sure you say the words and leave your phone number twice.

Of course, when BARB says something, we all do it. So I always leave the phone number twice.

I admire so much about her. But one of the things at the top of the list is who she is. She is the real deal. She knows where she came from. She has never forgotten where she came from. As I have told her personally, she has that internal gyroscope of who she is, what she should do, and how she should do it that guides her almost instinctively, and it is probably the most precious thing a politician can have. Not very many people have it, but hers is about the best I have ever witnessed.

It started from her upbringing and her faith, which she mentioned. We have talked about Willy. She has mentioned Willy. But you never forget how she reminds us because it is with her, and you can see it in her actions every day—how when people would come into the store that Willy had, the grocery store in east Baltimore, when they had lost their job or someone was very sick and Willy would say: Take the groceries and pay me later.

It reminded me of my grandfather Jake—we have talked about this—who was an exterminator, not quite the same as Willy and not providing the same services, but he would tell people: If you have roaches and rats in your house and you can't pay, I will still exterminate. Pay me when you have the money. So I understood that instinctively.

I would have loved Willy to have met my grandfather Jake because I am sure they were kindred souls in a lot of ways. And the guidance of Willy and BARB's mom—you can see it every day in the way she acts.

I just want to say another thing about BARB. She got into public service as a community activist. There was a highway that was going to tear up an important and historic part of her community, and she got involved. Being schooled by her and many of my colleagues, many women believed, oh, they would be excluded from politics if they went into politics directly. But when you are a community activist and you take a lead because something is bothering you about your home or your neighborhood, politics just followed sort of naturally. It is a little bit like PATTY MURRAY's story as well.

These days, because of what BARB has done, I think my daughters can aspire—I do not know if they do, but they can aspire to go into political life directly. In those days, it was much harder. But there she was. She led this fight. She went on to the city council, of course the Third Congressional District in Maryland, and now to this august Chamber. She has done so much. It has been cataloged by all my colleagues.

Medical research: There are probably millions of people alive today because of the 35 years she has pushed to make that happen. They do not know who they are, but they are there; and they are living happy and healthy because of BARB MIKULSKI.

How about veterans and health care needs? Again, literally tens of thousands, maybe hundreds of thousands, of our veterans are living much better lives because they were able to get the health care that BARB MIKULSKI spearheaded, particularly in the earlier days when this was not a popular cause.

The list goes on and on and on. She has done so much. In our Chamber she is beloved. Beloved. People are sometimes afraid of her when she gets mad. People want her approval. But most of all, I think what most of us seek is her advice, because after so many years in politics, she has that gift to understand what the average person needs and to talk directly to them. She does not talk through her colleagues or does not talk through the media or does not talk through some community leader or other politician. She still is talking to that family sitting in east Baltimore or in Hagerstown or in Annapolis. She almost has them in front of her eyes wherever she goes. That is why her speeches are so effective. She does not try to polish them. That is not her. She speaks from the heart directly to the people, and she cares so much about them that it comes through. It is an amazing trait.

I most admire people in political life who never forget where they came from. She is one of the most powerful people, not just women, one of the most powerful persons in America. I did not know BARB MIKULSKI when she was a community activist in East Baltimore, but my guess is she is exactly the same today. All the power and the accomplishments and the emoluments and the praise, all deserved, have not changed her a whit. That to me says an amazing thing about an individual.

BARB, I know my colleagues are waiting, but we love you. We cherish you. And as PATTY MURRAY said, I will put it my own way, I am sure that BARBARA MIKULSKI, knowing her as well as I do, the best is yet to come.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I wish to join my colleagues in a tribute to Senator MIKULSKI.

I am delighted to join my colleagues in joining in this tribute to perhaps our favorite colleague, BARBARA MIKULSKI, on her becoming the longest serving woman in congressional history. Her work in these Halls has made our country stronger. In a place where partisan rancor too often rules the day, she has established a legacy of service to her constituents and to all of us in this body that stands as an example to every one of us.

Her political career began in the late 1960s when she launched a campaign to stop the construction of a highway over a historic neighborhood she wanted to protect in Baltimore. She won that battle and went on to run for the Baltimore City Council in 1971. More than 40 years later and following a successful stint in the House of Representatives, BARBARA MIKULSKI continues to blaze an impressive trail.

During her 27 years in the Senate, she became the first woman to sit on the Senate Appropriations Committee, the first woman to chair an appropriations subcommittee, and the first Democratic woman elected to Senate leadership. Last year, we celebrated BARBARA as she became the longest serving female Senator. Now she has crossed yet another milestone, passing Congresswoman Edith Nourse Rogers of Massachusetts, having served in the Congress longer than any woman in history.

Of course, we do not just celebrate the quantity of BARBARA's service but its quality. No one is better at drilling down to the heart of an issue and expressing it in punchy, unforgettable terms. No one cheers us up more than BARBARA when she tells us to: Stand tall, square our shoulders, put on our lipstick, and rise to the occasion. We do not all put on lipstick, but we all get the message.

No one better combines the idealism of politics with the proactive abilities of government. She told me once with a twinkle in her eye, ''I am a reformer, but I am a bit of a wardheeler too.'' Practicality and passion combined is what makes politics successful, and no one does it better than BARBARA.

When she was first elected to the House in 1977, she was 1 of 21 women in Congress; 18 in the House and only 3 in the Senate. Today there are 93 women

serving including 17 Senators. BARBARA has earned the distinction of dean of the Senate women. But she never, never forgot her roots as a champion for those who need a voice in this building.

In her years in the Senate, BARBARA MIKULSKI's dedication to her constituents and women's rights has been clear, from becoming a champion of women's health issues to organizing training seminars for women of both parties elected to the Senate, to sponsoring and pushing through with a force that we all remember the Lilly Ledbetter Fair Pay Act of 2009.

During my much shorter tenure as a Senator, I have had the great privilege and pleasure to work with BARBARA to pass landmark health care reform legislation out of the HELP Committee. I have also served with her on the Intelligence Committee, and worked closely with her on the Senate Intelligence Committee's cyber task force to evaluate cyber threats and issue recommendations to the full committee. I have taken from those experiences great affection and respect for Senator BARBARA MIKULSKI. These are issues that are complex, complicated, difficult, and abstruse, and she brought to them the verve and the vigor and the vision to move on them. And those really are her hallmarks: verve, vigor, and vision.

I know all of us here in this Chamber are proud to call Senator BARB our colleague and friend as she makes history yet again. Her hard work and collegial spirit have enriched this Senate. I wish her all of the best in the accomplishments ahead. On behalf of all Rhode Islanders, Senator MIKULSKI, I congratulate you for this milestone in your history, the Senate's history, and our Nation's history.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Madam President, I consider it an honor and a privilege to rise for a moment to pay tribute to Senator MIKULSKI from the State of Maryland, And in so doing, I think it is only appropriate that I quote from a speech made on November 22 in 1922 by the first woman ever to serve in the Senate.

Rebecca Latimer Felton was the first woman Senator. She was appointed for 1 day. Governor Brown had run against Walter George for the Senate. Walter George won. And because of Ms. Felton's unending help to him in his race, he asked the Governor if he would appoint her for a day to his seat before he took it and was sworn in.

She came to Washington, DC, to serve for 1 day and she made one speech. In that speech she had a paragraph that to me exemplifies BARBARA MIKULSKI. She said, ''Let me say, Mr. President, that when the women of the country come and sit with you, though there may be but very few in the next few years, I pledge you that you will get ability, you will get integrity of purpose, you will get exalted patriotism, and you will get unstinted usefulness.''

That was Rebecca Felton in 1922. Today, in March of 2012, we honor a Senator who has lived up to every one of those promises Ms. Felton made almost 100 years ago. I have had the privilege to serve on the HELP Committee with the Senator, worked very closely on the Alzheimer's legislation which she has been such a leader on, worked with her on many other projects, including one I am happy to remind her about, and that was the confirmation of Wendy Sherman a few months ago when together on the floor of the Senate, we worked together to see that she was appointed and named and confirmed Under Secretary of State for the United States of America, serving under Hillary Clinton.

On that night when we worked on getting that UC done, and it was not easy, I saw the tenacity, I saw the grace, I saw the patriotism, and I saw the integrity of BARBARA MIKULSKI. It is an honor for me to rise today and commend her on a great individual achievement, not just for herself but for all of the women who have gone before her and all the women who will come later on, and to my five granddaughters and my daughter.

She has led the life in the Senate exemplary of the contributions that all women can make to our society. I commend her on her service, her compassion, her integrity, and all that she has done for the State of Maryland, the United States of America, and peace on this Earth.

BARBARA, congratulations to you on a great achievement. It is an honor for me to be here.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Delaware is recognized.

Mr. COONS. Madam President, I am honored to follow my good friend and colleague from the State of Georgia in recognizing the remarkable contributions of Senator MIKULSKI, now the longest serving woman in the history of the Congress.

Today we have been joined by many great Marylanders. We have had Governor O'Malley and Senator CARDIN, and former Senator Sarbanes, and Senator MIKULSKI's own family, her sisters and brother-in-law in attendance. I am also pleased that we have got two of her favorite constituents, my father and my brother, who are with us today as well. They live in Annapolis and they have known what I have known since childhood when I lived in the suburbs of Baltimore, that Senator MIKULSKI is a remarkable, a tireless, a passionate, and an effective Senator.

Reference has been made to her start as a community organizer, someone who saved Fells Point from a 16-lane superhighway, someone who was not afraid to get into the gritty issues of a local community and standing up for folks who did not have anyone to fight for them. We have also heard about her early years as a social worker, helping folks in need understand the programs available to them and then fighting for the programs that should have been available to them.

It is no surprise to any of us that the district she first represented in the House of Representatives, the Third, was known as the ''steel district'' where lots of men and women worked in the Bethlehem Steel plant. It is no surprise that she has earned a reputation here in the Senate as a woman of steel, who fights for manufacturers, who fights for Federal workers, who fights for Western Maryland, who fights for poultry on the peninsula of the Eastern Shore of Maryland, who fights for her constituents day in and day out.

It is indeed just that in this Woman's History Month we would be recognizing Senator BARBARA MIKULSKI, who has stood up for Maryland each and every day. And though like me she comes up a little short every time she stands, she stands incredibly tall in the company of Senators throughout American history. She is someone who is passionate for people, who has determination to continue in the tradition of her father, that fair deal grocer, who asked every day that simple question: How can I help, and then gets busy answering it.

She is a role model for me, for all of us, for my daughter, for my family, for our community. She is the only Senator I have heard say to me, fiercely, before going on a vote on the floor: To the barricades. And she is the only person who could say that and mean it. For a lifetime, she has been at the barricades of justice. She has been at the barricades of service. She has been at the barricades of making a difference. And for that, we are all grateful.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Ms. MURKOWSKI. Madam President, I too stand today to pay recognition to a friend, a colleague, and truly a woman who brings a smile to my face. Because for as many years as she has served her State of Maryland, for as many years as she has served in the Halls of Congress, she has the enthusiasm, the spontaneity, the excitement when she approaches an issue as a brand new rookie freshman coming into this body.

That is quite remarkable because around here we can get kind of dragged down by the day-to-day politics, the partisan nature, and the conflicts that are inherent in this process.

BARBARA MIKULSKI is one who embraces life and the responsibilities that are put before her. She has an opportunity to represent her constituents, and she embraces it with an enthusiasm that should be a reminder to us all of why we are here to serve.

I have so many different stories and quips and quotes about Senator MIKULSKI, whose name sounds somewhat similar to mine—MURKOWSKI. Every

now and again, we have an opportunity to share the same stage, the same podium, and the individual who is introducing us will trip on his or her tongue and refer to us wrongly. There was one occasion where we were being recognized by the National Geographic Society, and she pointed out to the individual making the introduction: She is the vertical one, and I am the not so vertical one.

This is just a recognition again that regardless of the situation, BARBARA MIKULSKI has a good comeback, a quick quip. She is a quipmeister if there ever was one. It speaks again to the enthusiasm and passion she brings to the job she has in front of her.

With names such as MURKOWSKI and MIKULSKI, we clearly have a Polish heritage we look to with pride. She reminds me of mine because she is perhaps a little more connected to those Polish roots. Again, there is a sense of pride with whom she is, where she has come from, and what her family has done preceding her that allows her to go on and do so much for so many.

We have had the opportunity to work together on issues that, coming from different parts of the country—truly different ends of the country—and one would not think we would have as much commonality on some of the issues. As the chairmen on the Commerce, Justice, Science Appropriations Subcommittee, we have worked closely on issues that relate to our fisheries, coastal issues, and judiciary issues. She is always reminding me that we have to take care of our fishermen out there and make sure our families who rely on our waters are appropriately cared for.

We have worked together on women's health issues. We were recently at the Sister to Sister event. I do feel a kinship and a relationship with this Polish sister as we talk about those issues that are so important to women's health.

We share the same concerns about how we do more for our first responders, our servicemembers, and our veterans. Just this past week, as Senator—I almost called her MURKOWSKI myself—Senator MIKULSKI was chairing a committee, and I brought up an issue as it related to the late Senator Ted Stevens and the Department of Justice investigation that failed so miserably—and we are now pursuing it, through different avenues, to make sure nobody should have to go through what Senator Stevens did—Senator MIKULSKI literally stopped the committee hearing to remind the Attorney General that, in fact, this was not a partisan issue; this was an issue where we all should be concerned and that if there is no justice within the Department of Justice, what does that mean for us as a nation.

She is never hesitant to speak and stand and make very clear, when these issues are important to the Nation, it should know no bounds by party. BARBARA MIKULSKI has held true to that.

In many different ways, that makes this milestone we are recognizing even more important because I think there is a kind of a piling on of events that can happen in the Halls of Congress, where the weight of what we do on a daily basis gets to be a load. To a certain extent, one can get tired, one can get worn, but BARBARA has not let the weight of that responsibility bring her down.

I was joking with her a little bit ago when all the accolades were coming her way. I said: BARBARA, with all these kind words that are being said about you, by the time the tributes are done, you are going to be 7 feet tall. That woman is 7 feet tall in the minds of so many of us. She is a giant for the people of Maryland. She has proven herself to be a giant in so many ways as she works to do good for so many.

I am proud to stand with so many colleagues in recognizing her tenure, recognizing this historic place she has carved for herself within the Congress, and to call her my friend.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I rise to honor the service of one of our most distinguished and long-serving colleagues, the tireless, sometimes relentless, and often spirited senior Senator from Maryland, Ms. BARBARA MIKULSKI.

To say she is a trailblazer for women in politics is an understatement. She has blazed a bold trial not just for women in politics but for all women in every endeavor. She is a fighter, an advocate, someone whom one is hopefully on the same side with because she is a formidable opponent when one is on the opposite side. She is a role model for leadership and getting things done.

Her impressive list of accomplishments is far too long to recite in a few minutes or even a few hours. It would not adequately do justice to her incredible service to Maryland and the people of this Nation. Senator MIKULSKI has dedicated her career to serving Marylanders and has dedicated her life to public service.

She began as a social worker in the neighborhoods of Baltimore, working every day on the street helping at-risk children find their way and giving seniors the help they needed.

She was not, and is not, a bleeding heart, but there is no one who has a fuller heart, a more open heart to the deepest needs of the least powerful among us than Senator MIKULSKI. She is someone one wants on their side.

Senator MIKULSKI came to public service with what I like to call the long view. She can see beyond herself to the needs of society as a whole, and she has fought for those needs and won on far more occasions than she has lost.

When she first ran for public office in 1971, I know she had in her heart the deep and abiding memories of those kids and seniors she met in Baltimore when she began her career. I know she carries those memories with her to this day. To this day, she has never forgotten the people of Maryland who need her the most and have had the wisdom to elect her time and time again.

Her political career has taken her from the Baltimore City Council to the House of Representatives and to this Chamber, where she has honorably served for the past 26 years. For 7 years, I have had the opportunity to work with her in this Chamber, and there has been no stronger, more knowledgeable, more committed colleague on this side of the aisle. She is an example for all her colleagues, determined to work across the aisle when possible and ready to fight for her beliefs when necessary.

She was the first woman elected to statewide office in Maryland, the first Democratic woman elected to the Senate in her own right, the first woman to serve in both Houses of Congress, and the longest serving female Member of the Senate.

As we all know, this past Saturday, Senator MIKULSKI became the longest serving woman in the history of the Congress, serving more than 35 years in the House of Representatives and the Senate.

It is only fitting that she achieve this milestone during Women's History Month because she has not only paved the way for women in politics but she has helped pave the way for women everywhere.

I had the opportunity to work with Senator MIKULSKI during the long and difficult debate and negotiations on health care reform. Her work was instrumental in ensuring that women have access to the comprehensive health care they are now guaranteed under the law. During that debate, no one's voice was clearer, no one's voice was stronger, no one was more convincing than she in the fight for a woman's right to comprehensive health care coverage.

She fought for mandatory insurance coverage of essential services, such as mammograms and maternity care, services that many insurance companies refused to cover. She fought to end gender discrimination by insurance companies.

As a result of the affordable care act and, in large measure because of Senator MIKULSKI's tireless efforts on behalf of women, being a woman is no longer a preexisting condition, as insurance companies used to say, that can be discriminated against.

Those insurance companies that routinely denied coverage of basic women's health services—essential services—are now required to cover those services under the comprehensive women's health services provision of the law.

Whenever there is a need in the Chamber for a strong voice for women, whenever there is a need for an advocate to stand for the powerless against the powerful, whenever there is a child who needs a friend or a senior citizen

who needs a hand, BARBARA MIKULSKI is there.

I believe there are many times she comes to this floor remembering, as she said, her days back in Baltimore, and she is right there—an advocate's advocate—fighting for those children and seniors she met along the way.

The rest of us are better off because she comes here with a full heart, ready to do what is right, not just what is politically expedient.

Her bill, the Lilly Ledbetter Fair Pay Act, was signed into law by President Obama just days after his inauguration. I was proud to work with her on that bill and on so many other efforts as well that make a difference in the lives of average Americans.

Finally, Senator MIKULSKI has been a tireless advocate for something that is near and dear to my own heart—for those who suffer from Alzheimer's and their families.

As the son of a mother who battled Alzheimer's for 18 years and lost her life to it, I understand firsthand the unique challenges of providing long-term care for a loved one. Senator MIKULSKI has come to this floor on countless occasions advocating for increased research, education, and programs for individuals with Alzheimer's. She has found support from her colleagues on both sides of the aisle.

It is estimated that 5.4 million Americans are currently living with Alzheimer's and millions more have been touched in some way by this debilitating disease.

I thank the Senator from the bottom of my heart for her passion for helping those who suffer from this disease. I look forward to continuing to work with her on this issue until we find a cure for Alzheimer's.

The bottom line: BARBARA MIKULSKI is a deeply committed public servant. The State of Maryland has rightly recognized her invaluable service for many years. Because of her efforts, those Maryland families know their interests are protected and their voices are heard.

It has been an honor to serve with her. All of us in this Chamber can only hope to serve our States with the same conviction, selflessness, and pride as Senator MIKULSKI has throughout her 35 years of service to the State of Maryland.

I am reminded of what Mother Teresa said when she got the Congressional Gold Medal:

> It is not the awards and recognition that one receives in life that matters; it is how one has lived their life that matters.

In that respect, BARBARA MIKULSKI has lived an extraordinary life. We thank her for what she has done and not just for the people of Maryland but for all the people of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I am proud to be able to join my colleagues on the floor this afternoon in honoring Senator BARBARA MIKULSKI for her service to Maryland and for the endless contributions she has made to the people of this country.

It is very hard to adequately describe a political icon such as BARBARA MIKULSKI. For all of us women in politics, she is a model of what we can aspire to or what we would hope to aspire to. I just want to tell a simple story about BARB that I think reflects her ability to get along with people, her zest for life, as so many of my colleagues have described, and the connection she makes that makes a difference for people.

She and I were on a flight with four other Senators to the security forum in Halifax, Nova Scotia, a couple of years ago, and the weather was bad, so our flight was diverted to Bangor, ME. It was winter in New England, and of course, when there is bad weather in New England in the winter, it sticks around for a while, so we were trapped overnight in Bangor. Most of us just sort of sat there waiting to figure out what was going to be done while we waited for a flight the next day, but not BARBARA because she doesn't sit still. She is never afraid to pick up the phone and take action, and that is exactly what she did. BARBARA dialed up her old friend and colleague—the colleague of all of us—Senator SUSAN COLLINS, and said: Guess where I am. And that is how those of us who were on that flight—the six Senators and the Secretary of Homeland Security—wound up joining Senator COLLINS and the legendary Troop Greeters of Bangor, ME, in welcoming troops at the airport as they returned home from overseas. So what had earlier seemed like an inconvenience turned into a fabulous opportunity to thank our brave men and women in uniform and to have a good time while we were doing it.

You find those kinds of things happening if you spend time with BARBARA MIKULSKI. It is a byproduct of her relentless energy, her drive to better her community and our Nation as a whole, her deep commitment to fighting for women's health, and her unfailing grace and gumption as a legislator, a colleague, and a friend.

As has been said, she got her start as a social worker trying to make the lives of men and women in her native Baltimore a little easier to bear. She was working in the service of values that were taught to her by her family, who owned the neighborhood grocery store. And as so many have commented, she often tells the story of her father opening the store early so that steelworkers coming in for the early-morning shift would have time to buy their lunch. BARB has carried that spirit, those values she learned from her family in that grocery store here to the Senate, and often those values are sorely needed here.

As dean of the Congressional Caucus for Women's Issues, she has built a sense of community within the caucus. Her bipartisan women's dinners are legendary. And, of course, what happens at those dinners stays at those dinners. Those are MIKULSKI's rules. But we really don't need to look any further than that wintry night in Maine to know how effective she has been in making things happen for people.

I look forward to more of her dinners, to more conversations with the Senator, to more chances to work with her as she fights on behalf of women and seniors and veterans and all those who don't have a voice in government and at the table. I thank the Senator for her friendship, for her leadership, and for her many years of service.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Madam President, I too am honored to be able to rise today to speak of our dear friend BARBARA MIKULSKI. So many good things have been said, so many accolades have been shared about what BARBARA has done and what she means to all of us. I can only tell you there is not a better ally, mentor, neighbor, and, most important, friend to have in the Senate than BARBARA MIKULSKI.

My State shares a border with BARBARA's State. Maryland and West Virginia have had a long and illustrious relationship. As Governor, I had always known of BARBARA and had met her a few times when I served the great State of West Virginia. But as a Senator, I have had the privilege of being her colleague and working with her and becoming friends, listening to her and watching her in how she works with her constituents, how she considers the issues, how she fights for issues. I don't think anyone has ever had to guess where BARBARA stands on an issue because we all know.

In the 15 months we have worked together, I can say it has been extremely rewarding to serve alongside her, whether it is her wisdom she shares on the train ride over to our sessions here or whether we talk about our both being raised in a grocery store. My grandfather had a little grocery store and, as you know, BARBARA was raised with her father in a grocery store. I think, basically, if you have retail in your blood, you understand the people of America.

Her sense of humor is something to behold. Every day I have the privilege of serving with her is a good day in the Senate.

I know colleagues have all shared their stories about BARBARA, and they have had more experience with her in the Senate. As a freshman, being here only a little over a year and a half, I have not had that many personal experiences, but I can tell you this: If there is a fight that breaks out, if there is something going wrong, you want BARBARA on your side. She is the person to have in that foxhole when the shooting starts. And I have been so appreciative to have her as my friend and always counting on her.

As we have all heard, she has been an advocate for women's health, the space program, and her most beloved State of Maryland, which she fights for every day.

Last year she became the first woman to reach the milestone of serving a quarter of a century in the Senate. Madam President, I have staffers who are younger than her years of service. But I also have young staffers, especially my female staffers, who have said they see a world of possibility because of the trail Senator BARBARA MIKULSKI has left for them. With all of that, she has blazed a trail for all of us. No one will be able to fill the shoes of BARBARA MIKULSKI. We will all be lucky enough to follow in her footsteps.

When she began serving on the Hill in 1977, there were 20 other women in all of Congress. She and 17 others served in the House, while there were 3 in the Senate. Today, 35 years later, there are 17 women serving in the Senate. If there is anything we can learn from Senator BARBARA MIKULSKI, it is that 17 women is far too few. We need more women like you, BARBARA, and, just as important, we need more Senators like you.

I can honestly say that I know the State of Maryland is much better off because of BARBARA MIKULSKI, but I can tell you that the United States of America is a better country because of BARBARA MIKULSKI. So I say thank you to my dear friend BARBARA for her service to this great country and to all the constituents in Maryland who must be extremely proud of her and have a right to be so. I too am so proud to call her my friend and my neighbor.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Madam President, we have listened with interest and total accord as the life of BARBARA MIKULSKI in the Senate has been reviewed by so many people. We have heard the friendship and good will we all share toward her.

Her record is quite well known. She is determined to get things done. She never lets minutia stand in the way or block an accomplishment. And I have noticed one thing: When BARBARA MIKULSKI starts to talk during a debate, the noise around the room quiets down. And if it doesn't, beware; BARBARA will call your attention to it and say it in a way that demands attention.

BARBARA and I arrived in the Senate in fairly close proximity. I came here in 1983 and BARBARA arrived in 1986, as I recall. We were both on the Appropriations Committee. I had some slight seniority over her, and one of the things that were being dealt with was seniority. BARBARA asked for my help in the choice of subcommittee, and I tried to step out of the way and help BARBARA obtain the chairmanship of a subcommittee in Appropriations, which she managed so well and so effectively. She once called me her Galahad, and I was proud of the moniker because it was intended to be a compliment and a sign of friendship.

Strikingly, BARBARA MIKULSKI and I have backgrounds that are not dissimilar. I came from Polish heritage. My grandparents on my paternal side were born in Poland, as BARBARA's family was. They were immigrants. My parents were brought as children from Europe and went through the traditional immigrant absorption.

My folks found it very hard to make a living as they grew up here in America. My grandparents were essentially poor people with a kind of blue-collar background. They had to resort to storekeeping to keep food on the table, a roof overhead, and clothes on their backs.

The one thing that threaded through those years for me—and I heard it coming from BARBARA MIKULSKI so many times when she spoke—was there was always dignity in the house, there was always a positive outlook.

As I heard, my parents, like hers, were not able to do much with presents and valuables. But they did something else, and you see it so fundamentally clear in BARBARA MIKULSKI's demeanor and her behavior: that what she learned at home, the same thing that I learned at home, was the meaning of values not valuables but values. And values included a character obligation for hard work and honesty and decency. They were the yardsticks by which we were measured as children and as adults.

I worked very closely with BARBARA. I left the Senate, as is known, for 2 years and my seniority slipped as a consequence. BARBARA's seniority continued to grow, and she is chairman of the appropriations subcommittee. BARBARA always brought a degree of strength and energy to the things that she said and to the things she did. Although BARBARA during a presentation wanted to make sure that she was heard, and heard correctly, she would also pop up with humor. She had a facility with words and a facility with expression that would have you engrossed in what she was saying and caught off guard when a joke or a humorous statement would pop up.

When we note that BARBARA MIKULSKI, from this modest background, was always on the side of working people, it was never a mask; it was the truth and it was where she wanted to be. I must say that she, for me, was always a steadfast beacon that would remind us: Don't get carried away too much with your personal importance. Get carried away with the things you have to do in your responsibility as a Senator.

When BARBARA MIKULSKI came these years ago, as was noted, she was the first among the women to come to the Senate and ultimately, as we now know, became the longest serving and carried herself through all of the difficulties we have had. But always, always you could depend on BARBARA MIKULSKI. When BARBARA stood up, people stopped talking about things that were extraneous and they would listen carefully, because BARBARA MIKULSKI always made so much sense and she didn't let you get by without a challenge if she believed you were wrong.

We have heard about her record, we have heard about her accomplishments, and everybody had wonderful things to say about her. I listened carefully to the statements that were being made and thought about our days together and how wonderful it was to be able to hear BARBARA MIKULSKI make sense out of what often escaped that challenge. She would offer the challenge and she would offer solutions.

I, like our other colleagues, stand here in awe and respect and note that BARBARA MIKULSKI, the storekeeper's daughter, is so much like that which I saw in my own life and we have seen in America in the past century; and BARBARA MIKULSKI who, in all due modesty, without any impression of a smug satisfaction, is always ready to take up the battle for the people she served, not only in the State of Maryland but across the country. She is an inspiration for women coming to government, and she serves so well as a demonstration of what could be.

I am delighted to be here, to stand here as a friend and an admirer of BARBARA MIKULSKI, and wish her many more years of service. I know that with BARBARA around, you can always count on sense and good judgment to result.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. GILLIBRAND. Madam President, I associate myself with the remarks of my colleague, the Senator from New Jersey.

It is with great admiration that I rise today to join all of my colleagues who have spoken before me and who will continue to speak honoring the Senator from Maryland, BARBARA MIKULSKI, as the longest serving woman in the history of the Congress.

It has been such an honor to serve with Senator MIKULSKI. In my 3 years in the Senate, she has quickly become a dear friend and an invaluable mentor, as she has been for all of the other female colleagues as the dean of women Senators.

It wasn't until 1932 that Hattie Caraway became the first woman ever elected to the Senate, and it wasn't until a half century later in 1986 that, against all odds, BARBARA MIKULSKI became the first Democratic woman elected to the Senate. That is right. When she arrived in the Senate, she was just one of two women serving in this body. Now the longest serving woman in congressional history, Senator MIKULSKI is showing what is possible when you ignore conventional wisdom, never stop fighting for what is right, and honor our commitment to families who elect us every single day.

One of her hallmark battles has been the fight for equal pay for work for women. This is not only an issue of

equality and justice but an economic imperative, because as we stand here today, with more dual income households than ever, women only make 78 cents on the dollar compared to men. For women of color, the disparity is even greater, African-American women earning 62 cents on the dollar, and Latinas 53 cents on the dollar. I know Senator MIKULSKI won't give up until we correct this outrageous injustice, and I am honored to be fighting alongside her.

Senator MIKULSKI has also led the fight to strengthen our laws against domestic violence, and open access to health screenings and treatment that saves women's lives. Close to my heart, she was among the first to stand up to insurance companies that said that being a woman was a preexisting condition. You can always count on Senator MIKULSKI to lead the charge in drawing a line in the sand in the Senate when it comes to protecting women's health and women's right to choose. We saw it yet again when she stood up to the dangerous overreach of the Blunt amendment that would have denied women of this country the ability to choose which medications to take and leave that decision to their boss.

She embodies the words of Eleanor Roosevelt:

> The battle for individual rights of women is one of long standing and none of us should countenance anything that undermines it.

It is that spirit—making your voice heard, never backing down in the face of injustice—that has made Senator MIKULSKI one of the strongest voices we have for women in this country and women around the world. Every single day she is paving the way for more women leaders in America by showing the young women and girls of this country that women's voices matter and are needed in our public debate.

I close by expressing my personal debt of gratitude to her for her vision, her leadership, and her pioneering spirit. I simply could not imagine working in this body without her leadership. She has taught me so much in such a short period of time. And, as importantly, she has fostered an unbreakable bipartisan spirit among our colleagues that has resulted in important victories for the American public.

Thank you, Senator MIKULSKI, and congratulations on your historic achievement. It is an honor to serve with you, and I hope to continue to serve with you for many years to come.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Both Senator SESSIONS and Senator SNOWE are here, and I don't know if they wanted to speak. I know we have had a flow of speakers on this side, and if one of you wants to speak before I speak, I think it is the fair thing to do.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, my understanding was that Senator DURBIN is going to make a UC request, which I plan to object to, and there might be some brief discussion of that. But I don't see Senator DURBIN on the floor.

Mr. UDALL of New Mexico. I am probably going to be the concluding remarks on celebrating Senator MIKULSKI, so I am going to proceed with that.

Madam President, we have been here now for almost 3 hours—I was down here when we started. Senator FEINSTEIN started about 2:00 and we are approaching 5:00 now—for an incredible celebration of BARBARA MIKULSKI's career. I have listened to a lot of it both at my office and here on the floor, and it is pretty remarkable to hear the kinds of things she has done with her life and I rise today to honor my colleague, Senator BARBARA MIKULSKI.

As has been noted, this month Senator MIKULSKI becomes the longest serving woman in the history of Congress. With her perfect sense of timing, BARBARA reaches this historic milestone during Women's History Month. And it is for the history books. But, as BARBARA has said: It is is not how long I serve but how well I serve. And she has served very well. She has served her beloved State of Maryland very well, and she served this country in a number of capacities on the Appropriations Committee and on various committees in the Congress.

We celebrate this historic occasion but, more deeply, we celebrate BARBARA's record of achievement—a record that transcends gender, a record that is rooted in a life dedicated to public service.

Since she was first elected to public office in 1971 to the Baltimore City Council, BARBARA has been setting milestones. Think about that for a minute—1971. This is 40 years plus of public service. As the Chair knows, this is pretty remarkable. She served in public service for a while. I have served for a while. But 41 years of public service is remarkable—the first woman elected to statewide office in Maryland; the first Democratic woman elected to the Senate in her own right; the first woman in the Senate Democratic leadership; and the first Democratic woman to serve in both Houses of Congress. Yet it is not her being first that is the most impressive; it is her commitment to putting others first. BARBARA has shown that commitment time and again.

In over 35 years in the Congress, she has never wavered in her service to our Nation and her dedication to the people of Maryland. She has fought for quality education. She has fought for American seniors. She has fought for women's health and for veterans. For women facing unequal pay, BARBARA championed the Lilly Ledbetter Fair Pay Act. For senior citizens facing bankruptcy because of a spouse's nursing home care, BARBARA wrote the Spousal Anti-Impoverishment Act. Yes, she is a trailblazer, but she blazes those trails to help others—for young people who dream of going to college, for families facing devastating illness, for opportunity for all Americans. That has been her passion, that has been her true achievement, and that will be her greatest legacy.

When BARBARA was first elected to the Senate in 1986, there was only one other female Senator. Now there are 17. BARBARA is, rightly so, the dean of the women. She is a mentor to her female colleagues, but no less so she is an inspiration to all of us.

I admire BARBARA's remarkable determination and her tenacity, but also her ability to work with others to get things done. She will fight for what she believes, but she will sit down to dinner with her colleagues across the aisle. And she has never forgotten where she came from. The daughter of a Baltimore grocer, each night she returns home to Baltimore. She has never forgotten the values she learned there: hard work, helping one's neighbor, patriotism.

She is diminutive in height only. That was evident early on. The story is well known how, as a young community activist, BARBARA stopped that 16-lane highway from coming through Baltimore's Fells Point neighborhood. She is not afraid to stand up to power, and she is not afraid of speaking strongly to power. In all the ways that count, Senator BARBARA MIKULSKI is a towering figure.

Albert Schweitzer once said: I don't know what your destiny will be, but one thing I know for sure. The only ones among you who will be truly happy are those who have sought and found how to serve. This BARBARA MIKULSKI has done. From her early days as a social worker to her years in Congress, she has served. She has served long and well.

Congratulations, BARBARA. It is an honor to be your colleague.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I couldn't be more pleased as well as privileged to join all of my colleagues today in congratulating a very good friend and colleague, the dean of the women of the Senate, Senator BARBARA MIKULSKI, on overtaking Congresswoman Edith Nourse Rogers as longest serving woman in the history of the Congress.

As someone who has had the privilege of knowing Senator MIKULSKI since 1978 when I was first elected to the House of Representatives, for me, this milestone represents a watershed moment in the life of American politics.

For nearly 35 years, I have witnessed BARBARA MIKULSKI summon and harness a seemingly limitless reservoir of energy as a fierce advocate and a champion on behalf of the people of Maryland as well as the country. With equal parts vigor and vigilance, she has demonstrated a devotion to her constituents that has been unerring in its promise and ironclad in its purpose.

It is precisely that caliber of service that the people of Maryland have rewarded time and time again.

As I stated on this very floor at the outset of this Congress when she surpassed the length of service of Maine's legendary Senator Margaret Chase Smith, Senator MIKULSKI is synonymous with ''the special bond of trust which should exist between the governing and the governed.'' She has ''recognized injustice and acted boldly to quell it . . . giving a voice to the voiceless . . . power to the powerless.''

What Senator Margaret Chase Smith and Congresswoman Edith Nourse Rogers exemplified as standard bearers in the last century for length of service, Senator MIKULSKI embodies in this century—that the commitment to advancing the common good is bound neither by geographic region nor political affiliation but, rather, by an undaunted desire to serve others.

A consummate role model and admired mentor, Senator MIKULSKI always stands as a shining example that the robust pursuit of policy and the willingness to hear and consider dissenting views are not mutually exclusive. As I have often said, Senator MIKULSKI knows only one speed, and that is full speed ahead. But by the same token, she only knows one way to govern—through what she aptly referred to as the zone of civility. That approach, so integral to making this institution work, is indisputably one of the hallmark measures of Senator MIKULSKI's longstanding success in public life. Indeed, it is the blueprint for interaction that she has imbued in all of us who are women serving in the Senate. She has worked to establish a tone of respect that infuses our conversations, our collegiality, our collaboration. It is a personal cause to Senator MIKULSKI that is exemplified by the monthly dinners for women Senators that she initiated along with the Senator from Texas Mrs. HUTCHISON, a tradition that has become a catalyst for camaraderie and central to what Senator MIKULSKI calls our ''unbreakable bond.''

There has been no greater friend for women who have come to serve in the Senate, and I am sure it is a result of Senator MIKULSKI having arrived here as the second woman to serve in the Senate, along with the Senator from Kansas, Senator Kassebaum, as she said at the time—and that is why she was so willing to serve as a mentor for other women who arrived in the Senate, because she was only one of two women who were serving in this institution. As she said, the Senate had a long tradition of every man for himself. She was determined, she said, that it would not be every woman for herself while she was in the Senate.

As my colleagues also well know, when it comes to having an ally in the legislative foxhole, there is none more feisty, none more formidable, and certainly none better than Senator BARBARA MIKULSKI. I have witnessed her tenacity firsthand, having worked with her side by side over the decades, whether on matters of equity for women in the workplace, ensuring gender-integrated training in the military, working on cybersecurity, working on every other issue where we are bringing justice to those who have borne the brunt of injustice.

Nowhere has her leadership been more unmistakable, of course, or more monumental than in the area of women's health. I well recall, when I arrived in the U.S. House of Representatives in 1979, I joined what was then known as the Congresswomen's Caucus on Women's Issues, which is where I ultimately became the cochair for a better part of the decade. Senator BARBARA MIKULSKI, at that time being in the House of Representatives, served in that caucus as well.

When I arrived in the House of Representatives in 1979, there were only 16 women serving in that institution. That is why the congresswomen's caucus was formed, to focus on those issues that mattered to women and to family and to children. We recognized that it was our obligation and responsibility to work, to focus on those issues because otherwise they would languish on the back burner rather than being on the front burner. We also understood that if we did not focus on these issues, if we did not advance these issues, no one else would. So we began to tackle systematically many of the discriminatory laws or inequities that were embedded in Federal law that failed to recognize the dual role women were playing, both at home as well as in the workplace.

We began to work on these issues one by one because there were so many issues across-the-board that were affecting women, where they were ultimately bearing the burden and the consequences of these inequitable laws. We did that with respect to pensions, for example, where women discovered that after their husbands died, their pensions had been canceled.

We discovered it when it came to family and medical leave, which took us the better part of 7 years to enact that legislation. But, again, women were bearing the burden of taking care of their ailing parents or their children at home and paying the consequences in the workplace.

Then, of course, there was the issue we discovered of discriminatory treatment in our clinical study trials. Regrettably, at the time our National Institutes of Health were actually discriminating against women and minorities, excluding them from clinical study trials because it was too complicated to include women in these study trials because we were biologically different. As a result, any of those treatments that were developed as a result of those trials could not be applied to women. Ultimately, this could make the difference between life and death because the kinds of procedures and treatments that were derived from these clinical study trials could not be applied to women.

When we discovered that these inequities and this discriminatory treatment existed, we set to work on how to redress this wrong. It is hard to believe there was a time in America where women and minorities were systematically excluded from these trials that, as I said, had lifesaving implications. Who would have thought that women's health would have been the missing page in America's medical textbooks or merely an afterthought.

So I, as a cochair along with Congresswoman Pat Schroeder in the House, on behalf of the caucus, and, of course, then-Senator BARBARA MIKULSKI in the Senate teamed up in a close bipartisan, bicameral collaboration to establish the groundbreaking Office of Research on Women's Health at the National Institutes of Health so that never again would women be overlooked when it came to key clinical study trials that were underwritten by the Federal taxpayers and Federal funds. In fact, Senator MIKULSKI, as I well recall, launched the key panel of stakeholders at Bethesda to give this initiative critical national attention and momentum—as only she could—as well as fundamental policy changes that ultimately resulted from that panel that reverberate to this day, resulting as well in lifesaving medical discoveries for America's women.

That is the passion and power of Senator MIKULSKI that has led her to this historic day. BARBARA is not about legacy, she is about problem-solving. As somebody described it, her ideology is grounded in the practical, and that is so true. It is not only the practical but giving power to the people and developing practical solutions in their everyday lives.

She is a guardian of the common good, a woman who redefines the word ''trailblazer,'' a pioneer of public policy. Senator MIKULSKI continues to shape the landscape of our Nation for the better, with a force and a might and a stature, one of the giants of public service, not just in our time but for all time.

On the occasion of Senator MIKULSKI's recordbreaking service, we congratulate her, we salute her, and we are honored to be able to express a profound appreciation for her extraordinary and legendary tenure in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mrs. KLOBUCHAR. Mr. President, I come to the floor this afternoon to celebrate BARBARA MIKULSKI's service to this country. I had the honor of presiding for the last hour and heard the statements of so many of my colleagues. I heard them talk about how, when she joined this Chamber in 1986, BARBARA MIKULSKI was the first woman elected to the Senate who was not preceded by a husband or a father,

the first woman elected to the statewide office to serve the State of Maryland, and only the 16th woman to have served in the Senate ever.

Today she is truly the dean of women Senators. She is a mentor and a friend to the rest of us, and she has always set the bar high. This is a woman who took on city hall as a young social worker in Baltimore—and won. This is a woman who has championed landmark legislation that has touched the lives of millions on issues ranging from health care to education to civil rights. She has shattered glass ceilings, not just in the Senate but in the Congress as a whole.

If that is not enough, she has even graced the glossy pages of Vogue magazine. Most of you may not have seen the photos that were taken in front of the Capitol Building with a number of other women leaders, including Meryl Streep, who was in town for a screening of her film ''The Iron Lady.'' So I think it is fitting, to borrow a phrase from the Iron Lady herself, Margaret Thatcher, who famously said, ''In politics, if you want anything said, ask a man; if you want anything done, ask a woman.''

I don't think my male colleagues who are here today will take offense at that one since anyone who has ever worked with BARBARA MIKULSKI knows she is a force of nature. She may not be the tallest Member of the Senate, but she is certainly the most tenacious. She is a tireless advocate for the people of her State, and she has a fierce and enduring love for those she represents. She knows where to pick her battles, and we have seen her face some tough debates in the Senate over the past few years. Whether it was working to take C-sections off lists of preexisting conditions at insurance companies or fighting to ensure equal pay for equal work for women or promoting better educational opportunities for children with special needs or ensuring that our troops and families receive the benefits that they have earned and that they deserve, she has never stopped working for fairness, justice, and decency.

The daughter of a smalltown grocery store owner, she has made strengthening the middle class the centerpiece of her economic agenda because, as she always puts it, the women in the Senate understand issues not just at the macro level but also at the macaroni-and-cheese level.

When BARBARA MIKULSKI came to the Senate 26 years ago, she lit a torch that has brightened the path for so many of us, for the 16 other women Senators who serve today and for all the future generations of women leaders who will lead our country forward. I am humbled to call her a colleague and a friend, and I am honored to celebrate her incredible service to our country today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, there are several of my colleagues here who are continuing their tributes to Senator MIKULSKI. I have a statement that was scheduled at 5 p.m. that will take all of 10 minutes, and then I will yield the floor at that point. I don't know if Members who are on the floor want to establish a queue of who will follow, but if anyone wants to make that unanimous consent request, I see that Senator CARPER and Senator CANTWELL are here on this side, Senator COATS is on the other side. I don't know if Senator SESSIONS is planning to speak after I have spoken on a substantive matter beyond the UC request.

Mr. SESSIONS. No, although I wouldn't mind seizing the opportunity to speak about Senator MIKULSKI for a minute, but otherwise, if the Senator has no——

Mr. DURBIN. Mr. President, I am going to give a statement and make a UC request that I planned at 5 p.m. And if I could suggest I be followed by Senator SESSIONS, and then Senator CARPER, Senator COATS——

Mr. COATS. If the Senator will yield on that, I don't want to interrupt the tribute to Senator MIKULSKI, and I know the Senator has some business he has arranged. I will give mine another time. You don't have to include me in the queue. I don't want to spoil the party. The tribute is worthwhile, and I will find another time to do this.

Mr. DURBIN. Mr. President, I wish to make an admission. I have spoken about Senator MIKULSKI earlier and this is a different issue. I suggest after Senator SESSIONS that Senator CARPER and Senator CANTWELL follow. I ask unanimous consent that the Senators be recognized in the order I have noted.

The PRESIDING OFFICER. Without objection, it is so ordered. Would the Senator wish to request that the non-tribute-related portion of the discussion be put in a separate place in the RECORD?

Mr. DURBIN. That is what I was about to ask the Chair, to have permission that my statement not related to Senator MIKULSKI be placed in a separate part of the RECORD.

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

(The remarks of Mr. DURBIN and Mr. SESSIONS are printed in the RECORD under ''Cameras in the Courtroom.'')

Mr. SESSIONS. Mr. President, although I do not have prepared remarks, I wish to join with my colleagues in making a few comments about Senator MIKULSKI.

Senator MIKULSKI is a great Senator. She is a delight to work with, a formidable adversary, and a formidable ally in any important debate. She is someone whom all of us respect and admire. It surprises me she has been at this business so long. It doesn't seem as though it is possible. She certainly hasn't lost her enthusiasm for the job and she has played an important role in quite a number of issues with which the country has had to deal.

I remember her leadership on an important issue during the post-9/11 time, when we were wrestling with how to deal with security for our country. She spoke firmly and strongly in favor of firm action to defend America from attack.

Another issue I don't think has been mentioned but is exceedingly important—something I have observed her deal with and provide leadership on for some time—is space and NASA. She is one of the absolutely most knowledgeable and experienced Members of this Senate and the entire Congress in dealing with the complexities and the needs of NASA and she is a champion and advocate for exploration of space. This is an area where America has led the world, and for all her time in the Senate, she has been a champion of advocating that the United States maintain this leadership because I think we share the view that America is a nation of explorers. We are a nation that leads the world in exploring and it is part of our DNA. So I appreciate her leadership in that particular area, as I have watched her with great admiration in her activities.

I didn't realize this tribute would be going on this afternoon and I didn't have prepared remarks, but I wish to join with my colleagues to say how much I appreciate her efforts. We celebrate her great accomplishment in the Senate. I believe that as we go forward, we will find that on issue after issue she will play a critical and a positive role in making America a better place.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I wish to follow my colleague from Alabama and speak for just a few minutes about our friend and colleague, Senator MIKULSKI, who celebrates her milestone through her public service to the people of Maryland.

I asked my staff to go to the Web page for Senator MIKULSKI, her Senate office, and I came across one paragraph which I wish to read to my colleagues, if I may. It says:

> Barbara Mikulski has never forgotten her roots. Throughout her career she has returned each night to her home State of Baltimore, Maryland. From community activist to U.S. Senator, she has never changed her view that all politics is indeed local and that her job is to serve the people in their day-to-day needs as well as prepare this country for the future.

Sometimes people have come to Congress over the years and they come understanding clearly that our job is to serve. Over time, somehow they lose that thought a little bit and it is less clear who is to be served and who is to be the servant. She has never forgotten who the servant is. She knows she came as a servant, and she will leave someday as a servant—hopefully, not anytime soon.

If we ask most people around here what are maybe one or two words that best describe BARBARA MIKULSKI, I think a lot of people would say she is a fighter. Let me just say, if someone is

an advocate for a particular cause, she is the person one wants in the foxhole with them. There is no better advocate, and there is no better or more able opponent on an issue. It is a lot better to have her on your side than it is to have her against you.

I take the train home at night. I go through Baltimore on my way to Wilmington, DE. Along the route, we go by a place called Aberdeen. Sometimes the train stops there; sometimes it does not. We have seen Aberdeen Proving Grounds literally consolidated from around the country. Much of the important research activity the Army does is at the Aberdeen Proving Grounds. The person more than anybody else who has made that possible is BARBARA MIKULSKI. It is a vast facility, with tens of thousands of employees who I think are mostly civilian and a campus of over 100,000 acres that does great work, helping to provide for our defense against all kinds of attack, foreign and domestic. She is a great person to have on your side in leading that fight.

One of the other things I love about BARBARA is her devotion to first responders. There is a big national fire school in a town called Gaithersburg, MD. She has helped make that place possible to not only train folks who are first responders for the people of Maryland, but they train as well first responders for virtually every State in every corner of this Nation. People will go to bed tonight knowing that if there is a fire or a problem or an incident in their community, it will be responded to, and they can thank BARBARA MIKULSKI for helping to ensure the folks trained there are ready to do that.

As much as anybody I know, she is a person who values service. AmeriCorps is an organization that encourages young people—really people of all ages—to volunteer and to serve. Volunteers are the ages of our pages and a whole lot older and the ages of guys like me. We all have an obligation to serve and to bring that spirit of service, whether or not we are in public life.

I was struck by the fact that she often opened the store as a kid, beginning a lot of her days as her dad opened the family grocery store, early in the morning in east Baltimore. I was born in West Virginia in a town called Beckley. I lived there for about the first 6 years or so of my life, but I would go back many summers, and I had the opportunity to work there for a supermarket, a mom-and-pop supermarket, with my own grandfather who opened the store almost 6 days a week, and I had the opportunity to see him and his work and what he brought to that store every day as the butcher. I think I know more about serving by working my summers in that store than anything else I have ever done. I suspect one of the reasons BARBARA has adopted and retained the spirit of a servant is because of her childhood and growing up and seeing her own family, her own dad, in that particular store.

I mentioned my grandfather in West Virginia. His wife, my grandmother, suffered from Alzheimer's disease. My grandmother's mother suffered from Alzheimer's disease. My own mother suffered from Alzheimer's disease. I don't think there is anybody in this body who has done more to lead the fight to ensure that this scourge of our society—and the scourge of people all over the world—is reined in and overcome. When that day comes, people will stand and say: I did something about this. Nobody in this body I think can take more credit for conquering Alzheimer's disease and dementia than BARBARA MIKULSKI.

Finally, when people think of BARBARA, they think of a fighter, an advocate for voluntarism, and some of the other things I talked about. I don't know that many people think of her as an athlete, but I will say that she is very a big advocate for leveling the playing field. She wants to make sure people not just in athletic endeavors have a level playing field in which to compete, but she wants to make sure young people coming from the most impoverished backgrounds have an opportunity and have a real shot at life to get a decent education as a child, the chance to go to college and to increase their potential to not just earn money and support their families but to live productive lives. Those are just some of the things I think about when I think of BARBARA MIKULSKI.

I will close by saying she had been in the House I think for 6 years when I arrived in 1982, 1983, and for all the time we served there together, she was always very encouraging of me, very supportive of me as her Delmarva buddy, as we shared the Delmarva Peninsula. Even to this day we work together to make sure we have a strong, vibrant poultry industry on the Delmarva Peninsula. I like to say we are still Delmarva buddies as we look out for the mutual concerns of our respective States.

With that having been said, let me yield back my time. I see Senator CANTWELL is ready to speak. My guess is, she is going to say some more things about BARBARA. But those are some things I am glad I had a chance to say.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I do rise to celebrate the remarkable achievements of my colleague from Maryland, Senator MIKULSKI.

Last January we celebrated an obvious achievement of her becoming the longest serving female Senator. And last Saturday that milestone entered another chapter, with her 12,858 days of serving the people of Maryland in Congress, which means she is now the longest serving female Member of Congress.

I know BARBARA MIKULSKI started her career fighting for Fells Point, a particular location in the Baltimore area that she thought deserved and needed to be protected, and that galvanized her to 35 years of service, where she has been a trailblazer on so many issues.

Many people have talked about those today—about being the first woman elected to statewide office in Maryland, the first Democratic woman to serve in both Houses of Congress; the first Democratic woman to sit in a Senate leadership position, and the first Democratic woman to be elected to the Senate in her own right.

Throughout her career, she has faithfully provided a very strong voice for the people of Maryland. But it is here in the Senate we have all gotten to see BARBARA MIKULSKI, the dean of the women Senators, and to see her incredible work as a trailblazer on so many important issues.

She has been a tireless champion on issues from pay equity to increasing access to college education, for women's health, for women's health care law, and time and time again she has proven she knows how to fight on the right side of the issues.

For the women of the Senate, she is an incredibly important ally. When it comes to each of us who comes to the U.S. Senate, to find our way and to make our own mark, BARBARA MIKULSKI is the Senator who is always there with you to make sure you can achieve what you want to for the State you represent.

I know for me I am very excited—my colleague from Alabama was mentioning Senator MIKULSKI's love of NASA and space exploration—in that I can say Senator MIKULSKI is certainly interested also in sci-fi, and I would call her a ''techie'' Senator because she certainly has shown a great deal of interest in technology and science.

As the Chair of the Commerce, Justice, and Science Appropriations Subcommittee, she was a key partner in the funding of key science and technology issues, and for us in the State of Washington, when we needed a new Doppler radar technology system, she was there to help ensure that those people who lived in coastal regions were going to have the appropriate protections they needed for understanding inclement weather.

She also has helped in prioritizing efforts such as the cleanup of the Chesapeake Bay in Maryland—something we in the Northwest relate to because we strive to have the same cleanup of Puget Sound.

We have worked together on important legislation, such as passing the Lilly Ledbetter legislation.

But it is BARBARA MIKULSKI—when it comes to protecting women's access to health care or standing up to any attack on Medicare—who is the most articulate, the most determined, the most persevering advocate to make sure women's issues and their cause are understood in the U.S. Senate.

I was proud to stand with her when she went up against the House plan to defund critical women's health care access and there was a near shutdown of

government. As people tried to pressure Planned Parenthood, she was there to make sure we continued important programs such as breast cancer screening.

So today I join my colleagues from the Senate to thank her for those years of service in the U.S. Congress, both in the House and the Senate. While she may represent Maryland, we all want to claim that we are better off as a country having BARBARA MIKULSKI in the U.S. Senate.

And to my colleagues—or to the young people who are here with us on the Senate floor—to understand this moment and achievement, you have to understand that in the whole history of our country, there have only been 39 women Senators, and a good number of those women Senators only served a few days or a few years. So the fact that somebody has achieved not just a seat in the U.S. Senate but a leadership position in the U.S. Senate is an incredible achievement.

We are glad she has represented a time when women have ascended to leadership in the U.S. Senate, where she is considered one of the wise Members when it comes to strategy on so many policy issues.

We are better off as a body because BARBARA MIKULSKI has served with us, and we are looking forward to many more years of wisdom and, hopefully, many more women Senators joining the ranks of BARBARA MIKULSKI in their tenure.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I rise today also to pay tribute to my colleague, the senior Senator from Maryland, BARBARA MIKULSKI.

As everyone has said, this is a landmark, this is a milestone: the longest serving woman Senator and Member of Congress in the history of Congress, serving more than 35 years.

As a relatively junior Member of this body, I love BARBARA MIKULSKI. I love her because she calls me ''FRANKEN.'' That is music to my ears. We are in the caucus lunch, I may be in her way, and she says: FRANKEN.

I am not only a relatively junior Senator, I actually kind of recently was a comedian at one point. And she is really funny—BARBARA. I remember the first time I saw her speak—it was years ago, years ago; I cannot remember what the event was—and I am going to try to quote her joke. It was her joke, remember, about herself. She talked about her first campaign effort. I think it was for city council or something like that. She said: I knocked on 7,387 doors, and I walked a total of 372 miles, and I didn't lose a pound.

So I love BARBARA. And she is a force—a force—of nature. Being the dean of women here is not her most commanding title. Her most commanding title is: a fighter. She is a fighter. When she commits herself to a cause, she is a true champion.

She is a true champion for America's seniors, preserving pensions; of Medicare, defending Medicare—boy, do not attack Medicare around BARBARA MIKULSKI—and combating poverty. No one works harder for quality education, fighting to make sure every child has a quality education, so that child can pursue the American dream. And she is committed to fulfilling our country's promises to our veterans, which is so important, and to increasing community service and voluntarism.

As anyone who has watched proceedings here in the Senate knows, BARBARA MIKULSKI, as my colleague from Washington stated, is the greatest champion in the body for women's health. Here is something that is pretty amazing to understand. I want the pages to hear this. She fought to include women in NIH clinical trials. Women were not included in the National Institutes of Health clinical trials until she made sure they were. This is hard to believe, isn't it? But in your 16 years of life, you—at 16, you cannot conceive of this. This is how backward we were. Think of what she did. That is who we are talking about today.

She has improved access for women to mammograms and cancer screenings—for all women. She has fought for women to have their own say over their own body and reproductive system. Basically what I am saying is, when you have BARBARA MIKULSKI on your side, you have a strong voice in the U.S. Senate.

We have heard reference to her accomplishment on the Lilly Ledbetter Fair Pay Act. When advocating for this bill, Senator MIKULSKI said:

> Women earn just 77 cents for every dollar [their] male counterparts make. Women of color get paid even less. The Lilly Ledbetter Fair Pay Act will empower women to fight for fair pay by once again making employers accountable for pay discrimination. I will fight on the Senate floor to get this bill passed.

And the bill was passed. It was the first bill President Obama signed in office.

Senator MIKULSKI and I share a number of passions. One of them is early childhood education. Increasing early childhood education—access to it—is one of my top priorities because we know over and over that the benefits of early childhood education have been demonstrated. And BARBARA knows this.

I wanted to have a hearing on just the economic benefits of early childhood education—just the economic benefits—because a child who has a quality early childhood education is less likely to be a special ed kid, is less likely to be left back a grade, has better health outcomes; a girl is less likely to get pregnant before she graduates from high school, a child is more likely to graduate high school, more likely to go to college, more likely to graduate college, more likely to get a good-paying job and pay taxes, and much less likely to go to prison. It has been shown over and over that the cost-benefit is, for every $1 spent, like $16 in return.

I wanted to get a hearing just on this. Because we were talking about education, I thought this needed to be discussed, and we needed experts, economists who were credible on this. So I went to BARBARA and she, of course, said: Oh, yeah. OK. Let's do it. She is Chair of the Subcommittee on Children and Families. I thought that would be a good place to do it, except I am not on that subcommittee. I am on the HELP Committee, which this is a subcommittee of, but I am not on that subcommittee. She said: OK, that doesn't matter. You come anyway. And not only that but: What witness do you want?

She let me pick a witness, Art Rolnick, an expert in early childhood education—on the economics of it—who started out as an economist at the Federal Reserve in Minneapolis and got into the economic benefits of it.

She is a true ally. She is someone who used her resources as chairwoman of a committee to make sure something you feel strongly about will be aired, will be discussed.

You learn from BARBARA that what we do around here is not so much about policy, it is about people. For her, it is about the people of Maryland. She goes to bat for them time and time and time again. It is about kids. And it is about women, who often have to be both the breadwinner and the caregiver, and who should have every right and every opportunity at work and in society that men have.

As both a Member of the Senate and as a father of a wonderful daughter, I am enormously grateful to Senator MIKULSKI for being a tremendous role model to women in this country, for having fought her way to the Senate, and for proving that legislating was not a man's job—or only a man's job—it is a man's job too.

This body is so much the richer for her, and Americans are so much better off as a result. But her work, our work is not over. Out of 100 Senators, there are still only 17 women. Our Nation is facing tremendously difficult challenges, and having more women like Senator MIKULSKI in the room will help us solve those problems. I am glad she is here leading the way.

With that, I would like to thank BARBARA for her leadership, her friendship, and for being such a fierce advocate. Congratulations, BARBARA, on your achievements thus far and on this milestone. I look forward to many years fighting alongside you.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise, along with so many colleagues, to pay tribute to Senator BARBARA MIKULSKI, an extraordinary woman and Senator, someone who has become the longest serving woman in the history of the

Senate, indeed, in the history of the Congress. She surpassed, on January 5, 2011, the record of Republican Senator Margaret Chase Smith as the longest serving Senator. Just this Saturday, she became the longest serving woman in the history of the Congress, surpassing the tenure of Edith Nourse Rogers, a Republican Congresswoman from Massachusetts, who served in the House from 1925 to 1960.

Senator MIKULSKI is the first female Democrat to be elected to the Senate in her own right in 1986. She is a woman of many firsts. She is indeed the dean of the Senate women—I would actually say a dean of the Senate, with her great energy, her great eloquence, and her great passion, particularly for those who are often overlooked in our society. She comes at it honestly. She was a social worker in Baltimore, helping at-risk children and educating seniors about Medicare before being elected to the House of Representatives.

She has taken that concern for the vulnerable and a particular passion for the State of Maryland forward every day she has served in the House and Senate. She has served on numerous committees. She is a subcommittee chairperson on the Appropriations Committee—Commerce-Justice-Science. She has devoted herself to those issues, and many more. She serves on the Select Committee on Intelligence and has been a key member of the Senate Health, Education, Labor, and Pensions Committee. She has left her mark on a broad range of programs that touch each and every American family. She has been particularly active in women's health, ensuring that women were included in NIH clinical trials, where in the past they were ignored.

Since one cannot ignore BARBARA MIKULSKI—which is virtually impossible—she made it a reality that they cannot ignore women in NIH clinical trials, requiring Federal standards for mammographies, ensuring uninsured women have access to screenings and treatment for breast and cervical cancer. She increased research dollars for Alzheimer's and enhanced the Older Americans Act.

She has been, since her first days in the House of Representatives, at the forefront in advocating for better health care and education particularly for the most vulnerable among us. She has been a champion of national service, understanding that in a great country one has to contribute as well as benefit.

She said one of the things she is most proud of—in her words—''strengthening the safety net for seniors by passing the Spousal Anti-Impoverishment Act. This important legislation helps keep seniors from going bankrupt while paying for a spouse's nursing home care.''

That is a fitting and representative example of her service. Throughout her service, she has maintained national priorities but has never taken her eye off Maryland. She commutes every evening back to Baltimore. She works hard to ensure that the people in Maryland benefit because of her activities.

I also thank her for the kindness and help she has given me personally—her concern, for example, with the fishing community in Rhode Island, which is under her jurisdiction on the Appropriations Committee, and in other ways. She has been terribly important and kind to us. She was instrumental in helping us to secure funding for the HOPE VI project in Newport, RI, which has created extraordinary beneficial housing for a mix of incomes in Newport. It is one of the most attractive as well as one of the most stable communities I think anyplace in the Nation. She has been there to help us constantly.

I could go on and on, as my colleagues have said. I simply want to say at this special moment in Senator MIKULSKI's career, we thank her, admire her, respect her, and she has set a great example for us. In the days ahead, she will not only continue to inspire and sustain us, she will continue to sustain and lead in her State.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, some time ago, I was reading a book about the beginnings of the interstate highway system in our country. I came across a paragraph when the highway builders and the Federal Government were going to run the interstate highway through some stable middle-class, working-class neighborhoods of Baltimore. The highway administration was greeted by an organizer who, on behalf of citizens of this neighborhood, said this is not the place to put this highway. She was successful in convincing them that the highway should go elsewhere so it would not be disruptive of so many homes, well-established small businesses, and the cohesive community in that part of Baltimore. The woman who led that effort several decades ago was BARBARA MIKULSKI. She was not yet on the city council. She was a citizen who spoke for her neighbors and has continued to do that as a member of the city council and then as a Member of the House of Representatives and for many years—3½ decades—of the Senate.

We heard Senator REID and others earlier today talk about Senator MIKULSKI being the first female Democrat to serve in both the House and Senate—to be elected to the Senate without succeeding a husband or a father and first to chair an Appropriations subcommittee. Most important, she helped to blaze this path. In 1987, there were only two female Senators. One was the daughter of a Presidential nominee a generation earlier, and the other was BARBARA MIKULSKI. Today, there are 17 female Members of the Senate. It doesn't look like America yet. There is not anything close to the number of minority members as a percentage of the population, but I hope that changes. I think it will. It doesn't come close to representing the gender makeup of our society. But to go from 2 female Senators, when she first came, to 17 today—and if I can predict elections, which none of us can, and we certainly cannot try—I think there is a good chance there will be a number of additional women in this body this time next year.

I wish to say a couple more things about Senator MIKULSKI on a less serious note. I have been privileged to serve on two committees with Senator MIKULSKI—one being the Health, Education, Labor, and Pensions Committee. During the health care legislation, she was so helpful to so many of the causes we care about and to justice in this country, and on the Appropriations Committee, where she cuts a wide swathe of involvement for Maryland and this country, she champions women's health and many talked about this earlier. She cares so much about the National Institutes of Health, not just because it is located in Maryland but because it matters so much for scientific research, for curing a whole host of diseases and preventing diseases, and the number of jobs NIH creates, not just government jobs but the jobs that come out of commercialization of scientific research.

My State is one of the leaders; whether the jobs come out of Cincinnati Children's Hospital, Southwest Hospital, and where Case Western Reserve University is and its medical center around Cleveland, we see that kind commercialization.

I often call her Coach B because she is someone who has been around here a long time and is always willing to advise newer and younger Members. She has been following, especially in my State, what is important, the issue of health care. My State has some of the leading health care institutions in America. Also, what she has done with the space program—the only NASA facility north of the Mason-Dixon line is in Cleveland, with a satellite in Sandusky, NASA Glenn, named after former Senator and astronaut, John Glenn. She has been one of the strongest advocates for the space program, and science, technology, and R&D. She has been particularly helpful to me as I fight for the kind of work NASA Glenn does in Cleveland, and I am appreciative of her for that.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNET). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

(The remarks of Mr. WHITEHOUSE pertaining to the introduction of S. 2219 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

OHIO'S COLLEGE BASKETBALL EXCELLENCE

Mr. BROWN of Ohio. Mr. President, I rise to talk about a new record that has been set. It has nothing to do with the number of votes the highway bill garnered last week in the Senate, and it has nothing to do with length of service of Senator MIKULSKI.

For the first time in history, this year one State has four teams in the Sweet 16 of the NCAA Men's Division I basketball tournament: Ohio.

A special congratulations to the Ohio State University, in Columbus; the University of Cincinnati, in Hamilton County; Ohio University, in Athens, OH; and Xavier University, also in Cincinnati, for their outstanding run so far and making our entire State proud.

I am hosting, for the fifth time, an annual Ohio College President's Conference next week. We bring in 50 to 60 college presidents to meet with each other and with me and we bring in people from the administration, Republicans and Democrats, House and Senate Members, who lead on higher education issues. We bring 55 or 60 college presidents in from Ohio for a day and a half, and there are public and private institutions, 2-year community colleges, and 4-year colleges and universities. They learn best practices from one another. They build relationships that help all 55 or 60 of these college Presidents to do better.

Perhaps, we will talk more about college sports this year because of these four Ohio teams that made the Sweet 16.

We also know another point of reference for Ohio this year was that March Madness started in Dayton, in what has become an important tradition to Miami Valley and our country. This weekend, before the games started, Dayton's Oregon District hosted the First Four Festival, where 15,000 people crowded local restaurants and bars, listened to live music, and watched games on big screens.

A few days later, President Obama and British Prime Minister David Cameron came to the same city where the Dayton peace accords were negotiated and joined the Dayton community and teams from Kentucky, Mississippi, New York and Utah and their fans to watch the first rounds of the NCAA Division I men's tournament at the UD Arena. The UD—University of Dayton—Arena now holds the national record for the number of NCAA basketball tournament games held in a single venue.

The business community in Dayton, one of the most active in the country—the Dayton Development Coalition—rallied together to make sure military families from Wright-Patterson Air Force Base were able to attend, and $3.5 million was pumped into the local economy, showcasing the Miami Valley's world-class tourism infrastructure of hotels, parks, entertainment, and recreation.

We saw the same thing later in the week in the Arena District of Columbus, where the city hosted games on the opening weekend. Local Columbus leaders and businesses hosted teams from St. Louis, North Carolina, Michigan, New York, Tennessee, California, and Washington, DC, with their fans.

The city expected a $10 million impact on the local community, with tens of thousands of people staying at hotels, eating in restaurants, and enjoying one of the fastest growing cities in America, where, I might add, the Presiding Officer once lived. We saw a boost in tourism in northern Ohio, where Bowling Green hosted the first and second rounds of the NCAA women's basketball tournament. Organizers in Bowling Green said the games were more than about basketball, it was about people from across the Nation coming to town and boosting the sales of small businesses.

All the excitement and economic activity goes to show that Ohio is a tremendous attraction of basketball tourism and basketball talent. As the tournaments continue, and Ohio's teams continue to win, I look forward to working with our communities and our business leaders to further leverage our assets in tourism and recreation to help create jobs throughout our State and to promote economic development.

I thank the Presiding Officer, I yield the floor, and 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. DURBIN. 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. DURBIN. Mr. President, I ask unanimous consent that following morning business on Thursday, March 22, the Senate resume consideration of H.R. 3606; that the time until 12:30 p.m. be equally divided between the two leaders or their designees; that at 12:30 p.m., the postcloture time be considered expired and the Senate proceed to votes on the following: Reed No. 1931, Merkley No. 1844, as amended, if amended, and passage of H.R. 3606, as amended, if amended; that there be 2 minutes, equally divided in the usual form in between the votes; that upon disposition of H.R. 3606, the Senate then proceed to the consideration of the House message to accompany S. 2038, the STOCK Act; that there be 4 minutes of debate, equally divided in the usual form prior to the vote on the motion to invoke cloture on the motion to concur in the House message to accompany S. 2038; that if cloture is invoked on the motion to concur, that all postcloture time be yielded back, the motion to concur with an amendment be withdrawn, and the motion to concur be agreed to; that the motions to reconsider relative to the above items be considered made and laid upon the table; and that all after the first vote be 10-minute votes.

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

CAMERAS IN THE COURTROOM

Mr. DURBIN. Mr. President, by this time next week, the Supreme Court will have finished hearing oral arguments in the case challenging the constitutionality of the Patient Protection and Affordable Care Act. How important is this Supreme Court case on health care reform? Well, health care is such an important issue that Congress spent 1 year drafting and debating a bill that the Court is going to consider next week.

Health care has been a critical issue for so long in our country that in the last century, nine different Presidents have spent time, energy, and political capital fighting for reform. It is so important that the Supreme Court reserved 6 hours for oral argument over the course of 3 days to consider the act's constitutionality. The last time the Court dedicated that kind of time to any one case was in 1966—if I am not mistaken, that was 46 years ago—when it considered Miranda v. Arizona. Not even the health care case is important enough for the Supreme Court to justify breaking its antiquated tradition of allowing cameras to televise the proceedings, so the American people are not going to have a chance to see and hear these historic arguments for themselves as they take place.

I cannot predict the outcome of the case, but I can tell you what to expect just outside the doors of the Supreme Court. It is a scene we have seen over and over again for decades. Thousands will gather outside the Court. Many are going to camp overnight, sleeping on the sidewalk in the hopes of getting about 1 of 200 seats available to the public. The vast majority of those wanting to see the Supreme Court argument on one of the most important cases of our time will be told: No, you are not allowed to come inside the Court. We don't have room for you. In a democratic society that values transparency and participation, there cannot be any valid justification for such a powerful element of government to operate largely outside the view of the American people.

For too long the American people have been prevented from observing open sessions of the Supreme Court. Except for the privileged few, the VIPs, the members of the Supreme Court bar or the press, the most powerful Court in our land—some might argue in the world—is inaccessible to the public and shrouded in mystery.

I am pleased to stand in the Judiciary Committee with Senator GRASSLEY, the ranking member of the Judiciary Committee, asking that the Senate pass our bipartisan bill that would require televising open Supreme Court proceedings. With the benefit of modern technology, the Supreme Court proceedings can be televised using unobtrusive cameras and the Court's existing audio recording capability. Our bill respects the constitutional rights of the parties before the Court and respects the discretion of the Justices.

The Court can decline to televise any proceeding where the Justices determine by a majority vote that doing so would violate due process rights of one or more parties.

In our view—Senator GRASSLEY and myself—this is a reasonable approach that balances the public's need for information and transparency, the constitutional rights of those before the Court, and the discretion of the Justices.

It is no secret that Senator GRASSLEY and I have strong disagreements about the actual law that is going to be considered by the Court. We have taken to the floor many times to explain our positions. Despite our disagreement on the substance of the health care bill, Senator GRASSLEY and I agree on a bipartisan basis to stand united in full support of S. 1945, which would finally bring transparency and open access to Supreme Court proceedings.

We are not the only Members of this body who believe these proceedings would produce greater accountability. In past years the Cameras in the Courtroom Act enjoyed bipartisan support. The last sponsor of the act before he left the Senate was Senator Arlen Specter of Pennsylvania. This version of the bill, very similar to his own, has the support of Senators CORNYN, KLOBUCHAR, SCHUMER, BLUMENTHAL, GILLIBRAND, HARKIN, and BEGICH. As Senator GRASSLEY would note, Democrats and Republicans from both Chambers have written to the Supreme Court asking it to permit live televised broadcasts of the health care reform arguments.

In November, Senators BLUMENTHAL, SCHUMER, and I wrote a letter to the Chief Justice making a request to open the Supreme Court for this historic argument and let America hear the arguments made before the Court and the questions asked by the Justices in open court. Chief Justice Roberts responded to our request last week, and it sounds as though he sent the same letter to Senator GRASSLEY. The Chief Justice informed us that the Supreme Court has respectfully declined to televise the health care arguments, but that the Court would graciously offer an alternative.

Here is the alternative: The Court will post the audio recordings and unofficial transcripts to the Court's Web site a few hours after the arguments are over. For that gesture, I guess we can congratulate the U.S. Supreme Court for entering the radio age. America entered the radio age 90 years ago. The Supreme Court is catching up with a delayed broadcast-audio only. But I think America deserves better.

Decisions that affect our Nation should be accessible by the people who are affected by those decisions and they should be produced in a way that Americans can both see and hear. The day of the fireside chat is gone. The day of radio transmissions exclusively is gone. Television—and increasingly even the Internet—is the dominant medium for communicating messages and ideas in modern America. It is not too much to ask the third branch of government at the highest level to share the arguments before the Court with the people of America. Understand, there will be hundreds of people present and watching this as it occurs. It is not confidential or private. It is only kept away from the rest of America because this Court doesn't want America to see the proceedings.

The Supreme Court is an elite institution in our government. Every member of the Supreme Court went to one of two Ivy league law schools. Most of the clerks before the Court come from one of seven law schools. None of the current Justices has run for public office. None of the current Justices has tried a death penalty case. And the lawyers who appear before the Supreme Court are part of a small and exclusive club. Perhaps this limited exposure is why many on the Court don't seem to fully appreciate the impact its decisions have on everyday America, and why the American people deserve to have more access to the Court's public proceedings. Since the Supreme Court is the final word on constitutionality, on issues that impact the lives of every American, the American people should have full and free access to its open proceedings on television.

Let's be clear about one thing: Our bill only applies to court sessions that are already open to the public. Supreme Court Justices should be able to consult with each other, review cases, and deliberate privately. No one in this bill, or otherwise, is calling for those private deliberations to be televised. I believe that televising private deliberations or closed sessions of the Court would cause harm to our judicial system. Our bill does not require that and I would not support that. Open sessions of the Court, however, where members of the public are already invited to observe are a different matter. They should be televised in real time and widely available.

Some who oppose our bill say that the elite cadre of seasoned lawyers with the rare opportunity to argue before the highest Court in the land will grandstand in front of the cameras, risking their professional reputations and even their clients' cases. Some say that the Court's Justices, who have been subjected to the most rigorous vetting process known to man and the most widely covered confirmation hearings, will shrink from the camera's glaring lens. I don't buy it. The experience of the State and Federal courts that have allowed the open proceedings to be televised proves these fears are unfounded.

While the Federal courts of appeals have not permitted cameras to broadcast all appellate proceedings, there was a 3-year pilot project in 1990 that assessed the impact of cameras in the Federal courts. Listen to what happened as a result of the pilot program. At the end of the day 19 of the 20 judges most involved concluded that the presence of cameras in the Federal courts ''had no effect on the administration of justice.''

Don't take my word for it. Kenneth Starr, former Solicitor General and independent counsel, supports our bill and said this:

> This fear seems groundless . . . The idea that cameras would transform the [Supreme Court] into ''Judge Judy'' is ludicrous.

For more than 30 years State courts have broadcast their proceedings and, in fact, what they found hasn't detracted at all from the pursuit of justice. Every State in our Nation permits all or part of the appellate court proceedings to be recorded for broadcast on television or streaming on the Internet. Expanding access to the Supreme Court by televising its proceedings should not be controversial. Public scrutiny of the Supreme Court proceedings produces greater accountability, transparency, understanding, and access to the decision-making in government. Congressional debates have been fully televised for more than three decades.

There are people who follow the C–SPAN broadcast religiously. I know. I meet them regularly. As I said in the Judiciary Committee, people will come up to me and say: One of your colleagues looks a little bit under the weather. Does he have the flu? Is he sick? By observing C–SPAN or following the floor of the Senate and knowing each of us, they think on a more personal basis. They hear these statements, they listen to the debates, and they feel better informed about their government. Wouldn't the same apply across the street in the Supreme Court?

Opponents of our bill say the public will be misinformed because all they see are brief clips of the Court's proceedings that could be misconstrued. As I said, this argument sounds a lot like an editorial from a few years ago, and it said:

> Keeping cameras out [of the Supreme Court] to prevent people from getting the wrong idea is a little like removing the paintings from an art museum out of fear that visitors might not have the art history background to appreciate them.

In 1986, Chief Justice Burger wrote the following words in the Supreme Court's Press-Enterprise Company v. Superior Court opinion. These words are as true today as they were in 1986:

> [P]eople in an open society do not demand infallibility from their institutions, but it is difficult for them to accept what they are prohibited from observing.

The time has long since come for the Supreme Court—for the highest Court in our land—to open its doors and allow the American people to finally observe its proceedings.

UNANIMOUS CONSENT REQUEST—S. 1945

Mr. DURBIN. Mr. President, at this point I wish to make a unanimous consent request relative to this bill that would open the Supreme Court proceedings to be televised.

I ask unanimous consent the Senate proceed to the consideration of Calendar No. 319, S. 1945, a bill to permit the televising of Supreme Court proceedings; that the bill be read a third time and passed; and the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Mr. President, reserving the right to object, I want to congratulate my colleague Senator DURBIN for his able articulation of his view. This is a matter that the Senate and the Congress has considered for quite a number of years. It has not decided to take this step to direct a coequal branch of government on how to conduct their business, and I don't think we should. So I think it would be inappropriate to pass this on a UC without a full debate and discussion and a full vote on it.

So I would say that.

Also, I would note the Justices have opposed this policy. I think we have a duty to respect the coequal branch of our government. They feel as though it would impact adversely the tenor and tone of the oral arguments. The Justices would also have to feel a burden and explain why they are asking a question, perhaps citing a case by name that all the lawyers would know but having to explain to nonlawyers now what is on their minds as a part of their process of questioning. So I think that is a factor.

I would also note it raises constitutional questions. Why would we want to push to the limit and perhaps push over the limit and try to dictate to a coequal branch how to conduct the adjudicative process? Not the political process; we are the political branch. Theirs is the nonpolitical branch, where Justices are given lifetime tenure so as to insulate them from pressure and to allow them to dispassionately decide complex issues. I would also note that in terms of what is said and how an argument goes, there is no difference, I suppose, between that and what goes on in chambers when the Justices meet in private and talk about what issues are before the Court and how they should be decided.

What is important in the adjudicative branch? What is the criteria and the fundamental essence of a judicial proceeding? Ultimately, it is the judgment. The judgment speaks. The arguments don't speak. The in camera discussions don't speak. The judgment itself represents the opinion of the Court. It is the law and the defining process.

I appreciate very much the work of my esteemed colleague. I know he loves the law; we both do. He believes this would improve justice in America. I can't conclude that to be correct. I believe Justices should be given the responsibility to conduct their branch consistent with their best judgment of how do to it. Therefore, I object. I thank and respect my colleague for his different opinion.

The PRESIDING OFFICER. Objection is heard.

The Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 247, S. 671; that the committee-reported amendment to S. 671 be agreed to, and the bill, as amended, be read a third time and passed.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, it is my understanding the Judiciary Committee staff has been working on a package of important Judiciary Committee bills, including the very bill Senator SESSIONS has asked unanimous consent to move to—a bill which I quite likely will support.

Would the Senator be willing to modify his request to include the passage of other bills which are part of that package and have similarly important elements to them in terms of keeping America safe? They include the following: Calendar No. 246, S. 1792, the Strengthening Investigations of Sex Offenders and Missing Children Act; Calendar No. 233, S. 1793, the Investigative Assistance for Violent Crimes Act; and discharging the Judiciary Committee from further consideration of S. 1696, the Dale Long Public Safety Officers' Benefits Improvements Act; agreeing to a substitute amendment which is at the desk, and passing the bill, as amended?

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. SESSIONS. Mr. President, I appreciate the suggestion by the Senator from Illinois, as I believe I will be able to support all those bills, but I have information that Senators on our side oppose or have objections to two of them and would like to offer amendments or modify them. So I am not able to agree on behalf of colleagues that all the bills would be passed as written.

Mr. DURBIN. Mr. President, until the time comes—and I hope it is soon—when we can reach an agreement on all four bills, I will object to moving one bill in the package.

The PRESIDING OFFICER. Objection is heard.

The Senator from Alabama.

Mr. SESSIONS. Mr. President, I would note that the Presiding Officer is a cosponsor with myself of S. 1792, the Strengthening Investigations of Sex Offenders and Missing Children Act of 2011, and perhaps we will be able to make that work sooner or later. I am sure we will.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

REMEMBERING FURMAN BISHER

Mr. ISAKSON. Madam President, this past weekend, Georgia lost a great citizen. Furman Bisher died in Fayetteville, GA, on Sunday afternoon of a tragic heart attack. He was the premier sports writer in the United States of America, covered every Super Bowl, every Masters, was at every major heavyweight fight.

From the day he started on his Royal manual typewriter until the day he died, he typed on that same manual typewriter that was over 60 years old. He was a brilliant writer, a compassionate individual, a great friend, and someone I looked up to very much. He was a pacesetter. He actually got the only interview of Shoeless Joe Jackson ever done by a reporter. He did it because of his cunning ability to be in the right place at the right time, and that twinkle in his eye that always made you want to take to Furman Bisher.

So as on the floor of the Senate today I pay tribute to Furman and his life, to all of his accomplishments in terms of the writing of sports in our State and around the world. To his family and loved ones, I extend my sympathy on behalf of not just myself but all of the citizens of Georgia.

IRISH E3 VISA BILL

Mr. DURBIN. Mr. President, yesterday afternoon I had the honor of attending the annual Speaker's Luncheon celebrating the long and enduring partnership between the Irish and American people. Among the guests of honor were the President and Vice President and Irish Prime Minister Enda Kenny. And this past Saturday, St. Patrick's Day, I joined Prime Minister Kenny, Illinois Governor Pat Quinn and Chicago Mayor Rahm Emmanuel to march in Chicago's annual St. Patrick's Day parade. As one of the 40 million Americans of Irish descent, the chance to celebrate St. Patrick's Day with the Prime Minister of Ireland twice in 4 days is a rare joy.

At the parade on Saturday, Prime Minister Kenny hailed Chicago as ''the most American of American cities.'' It is also the most Irish of American cities, home to the largest population of Irish-Americans in the United States. On St. Patrick's Day in Chicago, the river and the beer both run green and it seems that everyone is Irish either by heritage or simply by osmosis.

There is good reason that Americans of all backgrounds embrace St. Patrick's Day with such enthusiasm. From our earliest days as a nation, America and Ireland and America have been united by unbreakable bonds of friendship and family and by a shared commitment to liberty and freedom.

In fact, there might not be a United States of America were it not for the Irish. That is not just my opinion. That was the assessment of General George Washington and of Britain's Lord

Mountjoy, who, in a speech to Parliament declared plainly, ''We have lost America through the Irish.''

The largest ethnic group to sign the Declaration of Independence were those with Irish roots, Charles Dunlop of County Tyrone printed the first copies, and the first man to read it before Congress was Charles Thomson of Derry, Secretary of the Continental Congress. When the Continental Congress was in desperate need of finances, supporters in Dublin, Cork, and other Irish cities took up collections to help the struggling new nation. Irish-born generals ranked among Washington's most trusted officers and Irish soldiers formed the backbone of Washington's army. At Valley Forge, it is estimated that almost half the army was Irish.

In the more than 2 centuries since then, America has been enriched immeasurably by the contributions of the Irish and Irish-Americans in every field and every walk of life.

Twenty American Presidents—nearly half—can trace their lineage to Ireland, from George Washington to Barack Obama of the Kearneys of Moneygall. And the contributions go both ways. Just as the sons of Erin helped make George Washington America's first President, it was a son of America, Brooklyn-born Eamonn deValera, who, in 1921, became the first president of a free Ireland.

In December, Senators SCHUMER, LEAHY and I introduced an amendment that recognizes the special relationship between the United States and Ireland. Our Irish E3 visa amendment would allow a small number of Irish citizens—10,500 a year—to work in America for 2 years, pay taxes and contribute to Social Security.

Our proposal is an amendment to the Fairness for High-Skilled Immigrants Act, which passed the House last November with overwhelming bipartisan support. Shortly after we introduced our amendment, my colleague from Illinois, Senator KIRK, and Senator BROWN of Massachusetts introduced a similar measure.

Our proposal is a common-sense measure that would improve the fairness and efficiency of our immigration system and further strengthen America's special relationship with Ireland, a nation to which we owe so much.

Our proposal has the support of the Ancient Order of Hibernians, the Irish Lobby for Immigration Reform, Chicago Celts for Immigration Reform headed by my friend Billy Lawless of Chicago, and many other organizations.

All 53 Democratic Senators—a solid majority of this Senate—have also pledged their support for our proposal. Despite this broad support inside and outside of Congress, at this time there is an objection on the Republican side to passing our bill.

We want to work with our Republican colleagues to break this impasse and create the Irish E3 visas this year. As Prime Minister Kenny has said, Ireland's economy will recover from its current difficulties. But with Irish emigration higher than it has been in decades, it is in the interests of both Ireland and America that we act now, without delay, to create a fair and legal way for Irish citizens to work temporarily in America.

Twenty-nine years ago, Speaker Tip O'Neill hosted the first St. Patrick's Day luncheon in Congress. His special guest at that first Speaker's St. Patrick's Day Luncheon was another Irish American leader who said, when he visited Ireland, ''Today I come back to you as a descendant of people who were buried here in pauper's graves.''

That special guest was President Ronald Reagan and that first Speaker's Luncheon was arranged to try to ease tensions between the two leaders, who embodied very different political traditions, but who shared a love of Ireland and of their Irish heritage.

The plan worked. While Ronald Reagan and Tip O'Neill never did see eye-to-eye on politics, they formed a respectful relationship that enabled them to work together in America's interest. So I ask our Republican friends: Let us walk in the footsteps of Ronald Reagan and Tip O'Neill and work together to pass the Irish E3 visa bill this year.

60TH NATIONAL PRAYER BREAKFAST

Mr. SESSIONS. Mr. President, on behalf of Senator PRYOR and myself, I ask unanimous consent that the transcript of the 60th Annual National Prayer Breakfast be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senator MARK PRYOR: Good morning. Thank you all for being here. It's great to have you here. I want to thank all of you for making your way to this very special event in the life of our country and our world. We invited you, and you came, and we appreciate it. When I say ''we'' I mean co-chair JEFF SESSIONS of Alabama and many of the members of the U.S. Congress who are the real life hosts of this breakfast this morning. On behalf of all of us, the House and the Senate members, we certainly want to say thank you for joining us here this morning and thank you for praying and for building friendships and to try to make this a better world.

Senator JEFF SESSIONS: As with all our Prayer Breakfasts over the last six decades, we are gathering in the Spirit of Jesus of Nazareth. He was open, curious, compassionate, inclusive and humble—a good example for all of us in public life and for all of us living anywhere for that matter. He was loving, in a word, and that is the way to describe the spirit in which we attempt to gather in today.

Senator PRYOR: Let us just join together in the spirit of reverent prayer: God of the universe and of each and every one of us, we welcome your presence, your truth and your love to our event. Bless us we pray with the change of heart and change of mind we all need today. We love you and we want to draw near to you this morning.

Senator SESSIONS: In the spirit of love, I pray that everything we do and say from this head table and from around each table would be pleasing to you. Thank you for the good food and fellowship we enjoy at this breakfast and may your Spirit fill this great hall, Amen.

MARK and I and many, many others have been working on, and praying for, this remarkable breakfast for months now and we are all excited to share it with you. I think we have all had two different experiences of what can happen when we bring faith into the world of government and business. Sometimes it creates conflict and when we look at our planet's history, even wars. But at other times, more often really, true faith can be a reconciling force of amazing power, a power that can make an entire society better. As Ambassador Andrew Young said last night at the Southeastern dinner, the civil rights movement, the non-violent movement that overcame bigotry and hatred in a way that could not have been done any other way, was done in the Spirit of Jesus.

We all have somewhat different religious histories. In my faith walk as I studied the life of Jesus, it seems His approach was always to see the people who are considered to be outsiders, or who had withdrawn, He tried to bring them all in. All those lepers, Samaritans and disabled people and poor people and folks like the woman at the well—they had been pushed out, or had withdrawn, but Jesus brought them in. I think that is the kind of approach we want to embrace in this breakfast and everything that flows out of it. We want to bring everyone in and to be in harmony with God's will and to share in God's love.

Senator PRYOR: Senators have been meeting in a breakfast group for over six decades now. As friends, we gather to pray every Wednesday when the Senate is in session. To give you a picture of how long that group has been in existence, the Senate breakfast group has met about one time for every person in this room. We come together to pray for each other and work for the Senate and of course for the country. Once a year we invite you all into the fellowship together to pray for world leaders and especially for our President.

Some of you have heard that things can be better in Congress and that is true. I think a good place to start would be to remember just a few simple, yet powerful words. Love one another as I have loved you. Forgive and you will be forgiven. Love your enemies and pray for those who persecute you. We don't need a constitutional amendment or some big Congressional reform, we just need to start acting better and Jesus gives us the place to start. It's simple but it's hard. We need to love and pray for people who disagree with us. We hope you will be loving and be praying for us and with us this morning in this special time today and when you return home.

I have a letter from a very special friend of ours and he writes to the folks who are attending the National Prayer Breakfast.

Letter from Rev. Billy Graham read by Senator PRYOR:

I want to convey my personal greetings to each of you assembled this morning for the National Prayer Breakfast. I miss being with you all, having been a part of this annual event sponsored by the House and Senate prayer group since the very beginning, often as a speaker. Though age and health prevent me from being there in person, I am with you in spirit and you are in my heart.

I want to say a special word of encouragement to the many friends meeting today from across the country and across the world, especially President Obama and his wife Michelle and Vice President JOSEPH

BIDEN and his wife Jill for whom I pray every day as the Scriptures command us to do. The National Prayer Breakfast is one of the most amazing gatherings as people from most of the nations of the world, representing every race, color, creed, religion and political affiliation, or none, come together in the name of Jesus to focus on his teachings and follow his example of how to live and love each other.

Throughout my ministry spanning more than 60 years, I have tried to lift up the name of Jesus to audiences and individuals in many of the countries you represent today against the backdrop of polarization in our nation this election year and the tensions across the globe due to war, disease, poverty and other problems. I pray that foundation of unity you embody around the person of Jesus may be an example to the world and a catalyst for peace, freedom and reconciliation as each of us discovers in our own hearts the love and forgiveness He offers to those who seek and turn to him in repentance and faith. May God richly bless your time of fellowship and inspiration this morning. And may the Lord give each of you a special sense of the Spirit as you pray together and pray in Jesus' name, signed Billy Graham.

Senator SESSIONS: Jesus said that if we had faith as small as a mustard seed, we could move mountains. We experience a similar miracle when we hear the size of the voice that comes out of the relatively small body of our singer, Jackie Evancho. She is eleven. God has given her an extraordinary gift and we are thrilled she is here to share it with us. Please welcome Jackie Evancho.

Song ''To Believe'', sung by Miss Jackie Evancho

Senator PRYOR: Wow, thank you Jackie. That was phenomenal. Thank you so much. We have quite the head table here. We have the runner up to America's Got Talent, the winner of the Heisman Trophy, the winner of the Nobel Prize and the most powerful woman in American history, so thank you all for being here.

Senator SESSIONS: Pretty impressive but when we come before God, all the fancy titles are brought down and the humble regular people are raised up. We are all equally of value before our Creator. Allow me to introduce some of our presenters who will come to the podium when their turn arises. As a Senator representing the national champion Alabama—I never get tired of slipping that in—I get to introduce the football player. We are proud to have a Baylor Bear with us, Mr. Robert Griffin III, RG3, the winner of the 2011 Heisman Trophy. He excelled at finishing drives and games so we have asked him to do our closing prayer.

We always honor our nation's military each year by asking one of their own to be a part of the program. Today we are proud to have Colonel Kelly Martin, an active duty Air Force officer who serves in the operations directorate of the Joint Staff at the Pentagon. During her career as a pilot, she did countless in-flight refueling, so she knows a thing or two about prayer. She will lead us in a prayer for American national leaders.

Next is Congressman and Dr. PAUL BROUN from Georgia. Both he and Congressman MCINTYRE lead the House breakfast group. Every ship has an anchor and in our Senate breakfast prayer group, Senator DANIEL AKAKA of Hawaii has been our anchor for many years. We are going to miss him when he retires. We have asked him to say our prayer for world leaders. I have not known anyone, from Alabama or elsewhere, who has better lived their life in the Spirit of Jesus than has DANNY AKAKA. DANNY, thank you for all you do to make the Senate and our government and nation a better place.

We are also joined by our colleague, Dr. TOM COBURN who passionately represents the people of Oklahoma and the Senate. He will give us a reading from the Scriptures. If you know TOM, you know that his faith impacts his life, and we all know that. Next, I have the honor and privilege of introducing my wife, Mrs. Mary Sessions, my partner for 42 years who has enabled me to be able to serve, and has provided us with three children and five grandchildren.

We are very grateful once again to welcome the First Lady of the United States, Michelle Obama. None of us can even imagine the burdens that you carry as the spouse and the leader of our nation. We thank you and pray for you and honor your work on the behalf of the health of our nation's children and all Americans.

Senator PRYOR: Mr. President, did you hear the little thing about the national championship? This year it was Alabama, last year it was Auburn, it never stops. You see what I have to put up with?

What most people don't fully realize is that the government is a team sport. We are all thankful to have our tireless and passionate Vice President running all over the country and all over the world to accomplish our country's most important work, Vice President JOE BIDEN.

The next person I want to introduce is my wife, Jill Pryor, the best person in the world.

You have already met Jackie Evancho. She is going to sing one more song in a few minutes but I think after that she has to leave here and go study for a spelling test. Sitting next to her is her mother, the proudest mother in the room, Mrs. Lisa Evancho. Thank you both for being here.

Shortly we are going to hear a greeting from our counterparts who lead the House prayer breakfast group. They make those of us at the head table feel extra safe because one is a doctor and the other is a black belt in Tae Kwando. One kind of tears you up and one tears you down, namely Congressman MACINTYRE of North Carolina and Congressman BROUN of Georgia. Thank you for being here.

One of the people in the room who needs no introduction is Minority Leader NANCY PELOSI. We thank her for her inspiring service to the country and her support for the prayer breakfast over the years. We look forward to the Scripture that she is about to read. Madam Leader.

Representative NANCY PELOSI: Thank you very much to Senator PRYOR for the invitation to read from the Holy Scriptures this morning. Let us all be grateful for the fellowship that brings us all together with our President of the United States and the First Lady, the Vice President—who said after Jackie finished singing, ''now I know how the angels sound, so beautiful''—the fellowship that brings us together as colleagues, our international guests and of course most of all our men and women in uniform who give us the opportunity to exercise freely our faith.

I am honored for the opportunity to read from the Holy Scriptures, from the Old Testament. When I was asked by Senator PRYOR to do so, I went right to Solomon. We all know over the ages that King Solomon has been recognized for his great wisdom, but it is really important to note that his wisdom sprang from humility, and that must be our prayer. Solomon's prayer is heralded in at least two books of the Bible, the Second Book of Chronicles and the First Book of Kings. A reading from the First Book of Kings:

God appeared to Solomon in a dream during the night. God said, ''ask what you would like me to give to you.'' Solomon replied, ''You showed most faithful love to your servant David, my father. When he lived his life before you in faithfulness and uprightness and in integrity of heart, you have continued this most faithful love to him by allowing his son to sit on the throne today. Now my God, you have made me your servant king in succession to David, my father.

''But I am a very young man, unskilled in leadership and here is your servant surrounded by your people whom you have chosen, of people so numerous that its number cannot be counted or reckoned.'' So Solomon said, ''give your servant a heart to understand how to govern your people, how to discern between good and evil, for how could one otherwise govern such a great people as yours?'' It pleased God that Solomon should have asked for this. ''Since you have asked for this,'' God said, ''and not asked for long life for yourself or riches or vengeance upon your enemies, but have asked for discerning judgment for yourself here and now, I do what you ask. I give you wisdom and understanding as no one has ever had before and no one will have after you.'' The whole world sought audience with Solomon to know the wisdom God had put in his heart.

May our message from this reading be that we have the humility to ask God for what pleases him so that we can do his work. Amen.

Representative PAUL BROUN: Good morning. I am Dr. PAUL BROUN. I am a physician and a Representative from the 10th Congressional District in Georgia, and a Republican. And this is my friend, MIKE MCINTYRE. As Senator PRYOR just told you, he is a black belt so I am going to be careful with what I am going to say about him. He is a Democrat, a blue dog Democrat, who represents North Carolina.

I am also a member of the Gideons, so if you didn't have a Bible in your hotel room, please let me know and we will be sure to get you one. In fact, I am a Gideon because it was a Gideon Bible that led me to the Lord. I accepted Him as my Lord and Savior some time ago. We thank you for coming to the breakfast today, especially our honored guests from all around the world. We are up here to bring greetings from our weekly Congressional House breakfast group and to give you a bit of a sense of what goes on there.

We pray, we study the Scriptures, we share our family struggles and needs and our personal needs. We even try to sing sometimes. We call it the best hour of the week because it absolutely is. It is where Democrats and Republicans can come together, put politics aside, put partisanship aside. And we are just personal friends, brothers and sisters in Christ. And we worship our God together.

Over 25 years ago Jesus Christ changed my life when I accepted him as my personal Lord and Savior. He gave me not only a personal peace but he gave me a purpose in my life to serve him and to live for him. There is no rule that says I have to check my faith when I go through the doors of the House chambers. I could not do that if I wanted to. I am always eager to talk about what God has done for me and in my life and how he has changed me, how he saved me and made me a child of God. I am thankful for our House group. The people who founded the United States were people who prayed, they knew the Scriptures. It is good for the whole nation to follow their example in honoring the God that created each and every one of us and his Son who died for us all.

Representative MIKE MCINTYRE: Thank you Paul. I am MIKE MCINTYRE. Serving in Congress is a great privilege but it is also a tremendous challenge. I am very thankful that I get to meet with my colleagues from both sides of the aisle to come together in our breakfast group where we can share heart to heart.

Washington, D.C. usually focuses just on the surface, on the labels and where you come from and who you are supposed to be identified with. Our weekly group allows us to go deeper and to build friendships. I also want to tell you about a new tradition. During the first vote of each week on Monday or Tuesday night, depending on when we go into session, several House members step across the hall in room 219 and leave labels at the door and pray like Solomon of the Old Testament for wisdom for that week so that we will make the right decisions.

When I am back in my district, I often have people come up to me and express concerns or complain about Washington, D.C. Can you imagine that? They will go on for 30 minutes and usually after I have listened carefully to all that they are saying, I will say: ''Would you pray for us that we will make the right decisions; if it's that important to you or to your family or to your business or to your school or our country, would you take the time to pray for us that we will make the right decision?'' I have never had anybody refuse to do that when I have asked them. Like Nehemiah in the Old Testament, we want to build a wall of prayer around our nation's capital. You can put a stone or a brick in that wall of prayer if you would take five minutes each week to join us in prayer, and you could choose the time. If you go to the Congressional Prayer Caucus' website and say, ''You know what, Mike, I will pray for you and for our President and all our leaders at all levels of government.'' It is that important. Because you see, the true source of power is not found in the halls of Congress or in the Oval Office of the West Wing or in the chambers of the Supreme Court. It is found when we are on our knees before the throne of grace, before all mighty God asking for his help. Would you please join us in that effort? That is something you can do that would go beyond today. I think you will agree that our country is worth it. God bless you all and thank you very much.

Colonel Kelly Martin, U.S.A.F.: Please join me now in a prayer for our national leaders. Lord, it is with a humble heart that we come before you today and ask for a special measure of grace and wisdom to be given to the men and women who lead our nation. For you know that it is the fear of the Lord that is the beginning of wisdom and understanding. And it is by your grace and love that you arm us with the strength and guide our steps towards what is perfect. Leadership is not easy and good leadership is rare and of great value, but great leadership comes only from you. Throughout our nation's history, you have blessed us with a legacy of leaders who served with excellence and we are grateful that this blessing continues today. Thank you for each and every one of our leaders and their willingness to serve our nation, its' people, and, ultimately, to serve you. I ask that in the heat of battle, you give our leaders clarity of mind and the courage to make right decisions especially when it is not convenient or expedient. Give them the faith to always seek you, a hope that will always sustain them and, most importantly, give them a love that will unite them. We ask that you bless our leaders, protect and watch over them, give them a peace that passes understanding; bless their families and continue to bless the United States of America. I pray this in your Son's name, amen.

Senator TOM COBURN: Good morning. I have the privilege of reading from the New Testament Scriptures. The passage that I want to read today has to do with the most powerful force the world has ever known, love. In this room, we have people from well over 100 different countries, all colors, all aspects of faith and maybe from a few different points of view.

Jesus said to him, ''you shall love the Lord your God with all your heart, with all your soul and with all your mind.'' This is the first and the greatest commandment and the second is like it, that you should love your neighbor as yourself. On these two commandments hang the law and the prophets. A new commandment I give to you that you love one another as I have loved you, that you also love one another. This is my commandment to you that you love one another as I have loved you, greater love has no one than this than to lay down ones life for his friends.

The power of love is manifested in the subtleness and the happiness of our heart because as we give love and sacrificial love, that is the only way, our lives are truly fulfilled, by giving away our life. We have great examples of that in our military, in our leaders as they sacrifice their life and time and families, but the fact is, we are commanded to do that. May God bless the reading of his Word.

Senator DANIEL AKAKA: Let me add my aloha and welcome to all of you gathered here at the 60th National Prayer Breakfast. Let us pray. Holy, holy, holy, Lord God of hosts, heaven and earth are filled with your glory. We come to you to pray for world leaders. Give them your wisdom to deal with the challenging problems of our time; may your Spirit rest upon them as they seek to empower people to lead quiet and peaceful lives in all Godliness and honesty. Send out your light and lead our world leaders with your truth. Bring them through strife and warfare to lasting peace, uniting them for the glory of your name. As they put aside selfish ambition, make them instruments of your will to carry out your purposes in our world. We pray this in your sovereign name, amen.

Senator PRYOR: When we take the long view of history, it is pretty clear that ideas are more powerful than money or guns or even governments. So if we follow that logic, ideas about God would be the most powerful of all. One of the most precious resources of the community of faith are those women and men who help us think deeply and clearly about God, about truth and about responsibility. Eric Metaxas has been a friend of this breakfast for many years, so let that be a warning to all of you, if you come too often, we may ask you to speak. He has written two New York Times best sellers, 30 children's books, has been part of the Veggie Tale series, and he has also debated the existence of God in academic settings all over the world. I first became aware of him through his book, ''Amazing Grace,'' about William Wilberforce whose life makes a great guide book for anyone who is serving in government. I just finished another book of his, about another great public role model, ''Dietrich Bonhoeffer: Pastor, Martyr, Prophet, Spy''. Ladies and gentlemen, Eric Metaxas.

Mr. Eric Metaxas: Good morning to all of you, honored guests from around the world, from this great nation, mostly to our President and First Lady. What an honor to be here. Now, I have to ask, I want to know how many people are here if you don't mind, just indulge me, would you raise your hand if you are here and I just want to get a quick . . . okay, well that was four. All right, well they said four thousand.

Let me just say up front, I am not a morning person but it is nonetheless an honor to speak at this august extraordinarily early gathering. I know it is an august gathering because they charged 175 dollars for breakfast. I don't want to start out by being negative but I think there may be some kind of money laundering thing kind of happening here. I am speaking truth to power people, the price gauging, it needs to stop. Even as a member of the elite one per cent, I cannot afford this.

We joke, but I know who puts this event on. They are a highly secret, indeed a nefarious organization. They call themselves ''the family.'' You see, the family not only runs this event, they run everything that is happening in the world. We, and of course I mean the President and I most specifically, are all their puppets. The President knows what I mean. He cannot admit this publicly, obviously, but appearing here this morning we are simply doing their bidding. Every U.S. President has been elected by them except for Warren G. Harding. No one knows how Warren Harding was able to buck that trend but we know that he paid dearly for it, most notably by being saddled with the name Warren G. Harding.

I am not a politician so when I see a dais like this, I immediately think of those wonderful Dean Martin roasts from the 70's. That was my favorite show next to Sanford and Son. I am being honest with you now and forgive me if I pretend that I am up here with Ruth Buzzi, Bob Hope, Jimmy Stewart, Red Buttons, Charlie Callas, Foster Brooks and Rich Little. I am being honest, that is who I wish were up here. And to those of you who are actually up here, I apologize from the bottom of Don Rickles' heart, I am sorry.

Okay, it is a National Prayer Breakfast, maybe we should get serious and say something about prayer . . . nah. Okay, seriously though, what is prayer? The real question is what is prayer? Prayer is real faith in God, it is not phony religiosity. It is not, 'oh wouldst thou who art sovereign of the universe take this arcane verbiage as evidence that we believe that thou art an old fashioned and unpleasant and easily annoyed and even cranky deity, and that to get thy magnificent attention and so as not to annoy thee, we must needs employ wooden and archaic and religious sounding language.'

That, my friends, is not prayer. That is, to use the current terminology, a lot of pious baloney. Who said that, I believe it was NANCY PELOSI? It was someone on the couch, but I can't remember. But the point is, pious baloney is not prayer, it is not faith in the God of Scripture. Imagine talking to Jesus that way—he would almost laugh at you. Imagine if we talked to him that way. Prayer is from the heart. We don't try to fool God with phony religiosity. Adam and Eve tried that with a fig leaf once that did not go so well.

And this gets to my theme this morning—the difference between religion or religiosity and real faith in God. We all know people who go to church but who do not show the love of Jesus. We know people who know Scripture but sometimes use it as a weapon. Real prayer and real faith is not religious, it is from the heart. It is honest, it is real. I have had the privilege of writing about two men, Wilberforce and Bonhoeffer, whose lives illustrate the difference between what mere religiosity and actually knowing what serving God is. Let me first quickly tell you personally how I came to see the difference between these two utterly different things.

First of all, I am the son of European immigrants who met in an English class in New York City in 1956. And I thank the Lord that my parents are in the room this morning. My dad is Greek, hence my surname, Metaxas. My mom is German, hence my deep love for Siegfried and Roy. Now, when you have one Greek parent, you are raised Greek, forget about the German stuff. Greeks believe that being Greek is the most important thing in the world. Now I am 50 per cent Greek but I have always tried to be more than 50 per cent Greek but I have never been able to break the fifty per cent barrier, a little bit like brother Mitt.

I grew up of course in the Greek Orthodox Church. I was an altar boy and had a modicum of faith, a mostly nominal, cultural faith. I thought of myself as a Christian but then I went to Yale University. Of course, it is the dream come true for every son of working class European immigrants. But the reality is that Yale, and most of our other universities but especially Yale, is a very secular place, aggressively secular. What little modicum of faith I had was seriously challenged. The idea of God really is ignored or even sneered at. By the time I graduated I was quite sure that it was wrong to be serious about the Bible or to take Jesus seriously, that it was hopelessly parochial and divisive. I was not sure what was supposed to replace it but I was confused. I guess I was lost. I wanted to be a writer. I was not terribly successful. I floundered and then I drifted, then I floundered some more, then I drifted and floundered together, which you think is easy.

Eventually things got so bad I moved back in with my parents, which I do not recommend. I specifically do not recommend moving in with my parents. I joke, but it was in fact a very tough time for me. I am being serious now. I suffered then, during that period, from real, genuine depression. I still struggle with that. This was a very painful, soul searching time in my life. I took a really depressing job which my parents forced me to take, thank you very much. And while I was at this job, this miserable job, thank you mom and dad, I met a man of some faith. And he begins to share his faith with me, this secular Yale agnostic, and I was in enough pain that I was willing to listen a little bit to what he had to say. He was an Episcopalian and I figured it was safe—they don't really believe that stuff anyway. So I said ''yeah, you can keep talking.'' But he turned out to be one those Episcopalians who actually believed this stuff and knew the Bible backwards and forwards and I was really challenged. We would have a lot of conversations.

I was not ready to accept what he was saying, not ready to pray, to attend a Bible study, to go to church or to become a weird born again Christian. But I was in enough pain to keep listening. This friend of mine said to me that I should pray that God would reveal himself to me—which seemed absurd because I thought: I don't know if he's there so I don't really want to pray to the oxygen in the room, to whom shall I pray if he is not there? It is a conundrum you see. But sometimes when you are in enough pain, and I was, you do silly things—and I did pray. And I said, in my anguish, and it was very real anguish. I said, ''God if you are there, please reveal yourself to me; punch a hole through the sheetrock, wave to me, say hello, show yourself to me.'' I was desperate. Every now and again I would pray that prayer, I would be jogging and I would pray that prayer, ''God help me, I need help.'' It was an honest prayer. And prayers come from a place of honesty, not religiosity. If you can say ''help me Lord,'' God hears that prayer.

Then one night during this time, around my 25th birthday, I had a dream. We don't have time to go into it this morning but it was an amazing dream. If you want to hear the story of this amazing dream you can go to my website: EricMetaxas.com. It is an amazing thing and it changed my life. God came into my life, Jesus came into my life, and it is all true except the part about the UFO and the Sasquatch which I made up. But seriously, watch that if you don't mind because it really happened, it is not made up.

And when God came into my life overnight and He answered that prayer, I wondered why hadn't I heard this before? Why did I have to suffer not knowing? Why? I think part of the reason is that I had rejected a phony religious idea of God. Not God as he really is because when I encountered God as he really is, I knew that is what my heart is longing for. That is the answer. He is the answer to my pain and all my questions. He is real and He loves me despite everything I have done. He is not some moral code. He is not some energy force. He is alive. He is a person. He knows everything about me and about you. He knows my story; He knows your story, every detail. He knows your deepest fears. He knows the terrible selfish things you have done that have hurt others and He still loves you. And He knows the hurt that others have caused you. He knows us. He is alive. He is not a joy killing bummer or some moralistic church lady. He is the most wonderful person, capital ''P'', imaginable. In fact, his name is Wonderful. Now, who would reject that?

So at that point, I realized everything I rejected about God was actually not God. It was just dead religion. It was phoniness. It was people who go to church and do not show the love of Jesus. It was people who know the Bible and use it as a weapon, people who do not practice what they preach, people who are indifferent to the poor and suffering, people, who use religion as a way to exclude others from their group, people who use religion as a way to judge others. I had rejected that, but guess what? Jesus had also rejected that. He had railed against that and called people to real life and to real faith. Jesus was and is the enemy of dead religion. Jesus came to deliver us from that. He railed against the religious leaders of his day because he knew that it was all just a front, that in their hearts they were far from God his Father. When he was tempted in the desert, who was the one throwing Bible verses at him? Satan. That is a perfect picture of dead religion. Using the words of God to do the opposite of what God does. It is grotesque when you think about it. It is demonic.

That summer as I came to faith, the guy who shared his faith with me, Ed Tuttle, gave me a copy of ''The Cost of Discipleship'' by Dietrich Bonhoeffer. And he asked me if I had ever heard of Dietrich Bonhoeffer. I said, ''no.'' He said, ''Bonhoeffer was a pastor who because of his faith in Jesus stood up for the Jews of Europe.'' I was shocked. My mother is German. She grew up during this period. Why had I never heard this amazing story about Bonhoeffer before? I remember thinking somebody really ought to write a book about Bonhoeffer.

I was not interested in writing biographies. I am far too self-centered to spend that much time focusing on someone besides myself. I went on to have a strange career writing children's books, I wrote humor for the New York Times, I worked for Veggie Tales. And then I wanted to share my faith and I wrote a book with the ridiculous title ''Everything You Always Wanted to Know about God but Were Afraid to Ask''. Actually now it's a trilogy, three books. And one day I found myself being interviewed on CNN about this book and I was expecting one of those tough questions like, how can a good God allow evil and suffering? But instead, I got a softball question. The host on CNN said to me, ''you know there is something here about Wilberforce''—and I had two sentences in the book about Wilberforce—''Can you talk about that?'' Suddenly I am on CNN being asked to talk about Wilberforce. All I knew about Wilberforce was in the book—that he was someone who took the Bible so seriously that he changed the world forever.

So I start talking about him briefly and next thing I know a publisher calls me up and says ''there's a movie coming out called 'Amazing Grace'.'' And I was asked to write a book about Wilberforce. Amazingly, I wrote a biography about Wilberforce and everywhere I go talking about Wilberforce people would say to me, ''who are you going to write about next? Who are you going to write about next?'' Some people asked me about ''whom will you next write?'' As a Yale English major, I want to recommend the word whom. If English is your first language, you may want to use the word whom. You can get it free as an app on your iPhone, you just download it. You use it as much as you want. ''Eric, about whom will you next write?'' And I thought well, there is only one person besides Wilberforce, only one about whom I would write if I were to write a second biography. I remembered Bonhoeffer and I did write that book. And I have to tell you, nobody is more shocked by the reception of the book than I. No one is more grateful to the Lord for the people who are reading and talking about this book. I know that it was read even by President George W. Bush who is intellectually incurious as we have all read. He read the book. No pressure. [Hands President Obama a book.] I just want to say no pressure. I know you are very busy, Mr. President, but I know sometimes you take plane rides and you have got time to kill, so here. [Hands President Obama another book.] No pressure. No pressure at all. Who am I to pressure you?

Nonetheless, the lives of both of these men illustrate the difference between phony religiosity and really believing in God in a way that is real—that changes your life, that must change your life, and the lives of others. Wilberforce is best known for leading the movement to end the slave trade. Now, why did he take that on? Do you know why? I am here to tell you it is not because he was just a churchgoer, because there were plenty of churchgoers in England in the day of Wilberforce. And everybody in that day seemed to have no problem with the slave trade or slavery, people who went to church. The reason Wilberforce fought so hard was because around his 26th birthday, he encountered Jesus. England paid lip service to religion in those days. Everybody said ''I am a Christian, I am English, yeah, we are Christians.'' But they really seemed to think—most of them—that the slave trade was a fine thing. So keep in mind that when someone says, ''I am a Christian'', it might mean absolutely nothing. But for Wilberforce it became real. It was not about Christianity, it was about the living God and serving Him. And Wilberforce suddenly took the Bible seriously—that all of us are created in the image of God. He took this idea seriously—that it was our duty to care for the least of these. And he said, ''Lord, I will obey.''

Now he fought politically, he fought hard and you know the only people really fighting with him at this point were the fanatical Christians. Did you know that? All the churchgoers, all the religious people, they were not alongside him. Who was alongside him in those days? The born again nuts, the Quakers, the Methodists that people made fun of. They were in the trenches because they knew they had no choice but to regard the Africans as made in the image of God and worthy of our love and respect. Everyone else was just going with the flow, all the people who just went to church. As I say, they got it wrong. They had not seen Jesus.

Wilberforce took these ideas, these foreign ideas, from the Bible and brought them into culture. You can read about it, and not just in my book, which the President may read. But you can read about it. This is historical fact. This is not my spin, this is true. Wilberforce, because he believed what the Bible said and because he obeyed what God told him to do, changed the world.

Today we argue about how to help the poor. Some say, ''Oh, the public sector, government, is the answer.'' Others say, ''The

private sector, free enterprise.'' But today, we argue about how to help the poor, not whether to help the poor. Praise the Lord. The idea to care for the poor, the idea that slavery is wrong; these ideas are not normal human ideas. These are Biblical ideas imported by Wilberforce at a crucial time.

Human beings do not do the right thing apart from God's intervention. We always do the phony religious thing. We go with the flow. In Wilberforce's day going with the flow meant supporting slavery, that Africans are not fully human. In Bonhoeffer's world, in Nazi Germany, it meant supporting the idea that Jews are not fully human. So whom do we say is not fully human today? Who is expendable to us? My mother lived through this. There are people in this room who lived through this. I was in Germany last week; I met people who lived through this period. It was an extraordinary thing to be there, to meet people who were the sons of heroes fighting against Hitler. This was a moment ago that this horror happened.

Bonhoeffer was born in 1906 and he was born into an amazing family. His father was the most famous psychiatrist in Germany. This was a big, important amazing family. At 14, he announces he wants to be a theologian. He got his doctorate at age 21. Bonheoffer was a great theologian but he decided in the midst of being a great theologian that he wanted to get ordained as a Lutheran pastor. And then one day at age 24, he went to America to spend a year in New York City. And he went to study at Union Theological Seminary. One Sunday a fellow student named Frank Fisher, an African American from Alabama, invited Dietrich Bonhoeffer to Harlem to a church called Abyssinian Baptist Church. He said, ''why don't you come with me?'' And Bonheoffer went with him and for the first time in his life, in that church, he saw something that was clearly not mere phony religion. He saw people worshiping a living God. He saw people who understood suffering and whose worship was real. Bonhoeffer said that in New York, in America, he did not hear the gospel proclaimed. Think about this, he visited many, many churches, yet he did not hear the gospel proclaimed except, in his words, in the Negro churches. That was the only place he saw the true gospel. He saw true faith, living faith, people living it, preaching the gospel of Jesus, living the gospel of Jesus. He saw this among the suffering in Harlem and it changed his life.

When he got back to Germany, people could see that he was different. He was not intellectually different, but his heart had been changed. He began to speak publicly about the Bible as the word of God, the living word of God through which God who is alive wishes to speak to us. So, he understood from the black church in Harlem the idea of a personal faith, that God is alive and wishes to speak to you. And it had a political component because it is now 1932, the Nazis are rising. Bonhoeffer begins to say things that you would not hear in Germany, even in the churches in those days. He spoke of Jesus as the man for others. He said ''whoever does not stand up for the Jews has no right to sing Gregorian chants, God is not fooled.'' His whole life was about this idea that you have to have a living relationship with God and that it must lead you to action—that you must obey God, that you will look different.

Now of course dead religion demonizes others, I just said that, and apart from God's intervention, that is what we do. So don't think that you won't do that. You will do that. We are broken, fallen human beings so apart from God—that is what we do. Do you think that you are better than the Germans in that era? You are not. Not in God's eyes you're not. We are the same. We are capable of the same horrible things. Wilberforce somehow saw what the people in his day did not see, and we celebrate him for it. Bonhoeffer saw what others did not see, and we celebrate him for it. Now how did they see what they saw? There is just one word that will answer that, it is Jesus. He opens our eyes to his ideas which are radical and which are different from our own. Personally, I would say the same thing about the unborn. That apart from God we cannot see that they are persons as well so those of us who know the unborn to be human beings are commanded by God to love those who do not yet see that.

We need to know that apart from God we would be on the other side of that divide fighting for what we believe is right. We cannot demonize our enemies. Today, if you believe that abortion is wrong, you must treat those on the other side with the love of Jesus. Today, if you have a Biblical view of sexuality, you will be demonized by those on the other side who will call you a bigot. Jesus commands us to love those who call us bigots; to show them the love of Jesus. If you want people to treat you with dignity, treat them with dignity.

So finally, Jesus tells us that we must love our enemies. That, my friends, is the real difference between dead religion and a living faith in the God of the Scriptures, whether we can love our enemies. Wilberforce had political enemies but he knew that God had commanded him to treat them with civility. He knew that he had been saved by grace. He was not morally superior to the people on the other side of the aisle. Martin Luther King told the people on the buses that you must not fight back, that you must be willing to turn the other cheek or get off the bus. Branch Rickey told Jackie Robinson that if you want to win the battle, you need to do as Jesus commanded and to be strong enough to not fight back; that is how your enemies will know that there is someone, capital ''S'', standing behind you, that it is not just you.

So if you can see Jesus in your enemy, then you can know that you are seeing with God's eyes and not your own. So, can you love your enemy? If you cannot pray for those on the other side, if you cannot actually feel the love of God for your enemies, political and otherwise, my friends, that is a sure sign that you are being merely religious. That you have bought into a moral system but you do not know the God who has forgiven you. Only God can give us that supernatural agape love for those with whom we disagree. That is the test. It is an impossible standard apart from the grace of God. We all fail that test. But thank God for the grace of God. The grace of God is real. God wants to shed it abroad in every heart, not just on some, on every heart. It is the only thing , the grace of a living God, that can bring left and right together to do the right thing.

So can we humble ourselves enough to actually ask him in a real prayer to show himself to us, to lead us to do what is right? Can we do that for our country? For the world? This is a Bonhoeffer moment. If we will humble ourselves, ask God, cry out, Cri du coeur, cry from the heart, Lord lead us, will you ask him to help you? The amazing grace of God is there for everyone. You know Jesus is not just for so called ''Christians'', Jesus is for everyone. The grace of God is for everyone. I hope you know that.

When I was 21 years old, I worked at the Boston Opera House and Garrison Keeler showed up and he gave a talk. And at the end of his talk he asked the audience if they wanted to sing. They didn't, but he made them anyway. He led them in a song called ''Amazing Grace'' and that a capella rendition has stuck with me my whole life. I thought maybe some day I will get some people to do that, not today of course. But then I thought you know, if the President can sing Al Green, then maybe you can sing with him. So we are going to try this, if it goes well I will leave with my head up. You ready? If you don't know the lyrics, pretend that you do. I want to hear harmonies.

All singing: Amazing grace how sweet the sound that saved a wretch like me. I once was lost but now am found. Was blind but now I see.

God Bless you.

Senator SESSIONS: Thank you Eric, you have indeed blessed us. You got our attention and gave us spiritual food. Now it is my great honor to introduce the President of the United States. Mr. President, we thank you for your one hundred percent support that you have given to this prayer breakfast; being here every single year and when you were a member of the Senate with us. Mr. President, I personally want to thank you for the way you strive for the betterment of all Americans. You give your life to that. It was Abraham Lincoln who first used the phrase that we are a nation under God. If we are going to be a nation under God, then we have to recognize the precious worth of every single person. Thank you for your leadership. Ladies and gentlemen, the President of the United States, Barack Obama.

President Barack Obama: Well, good morning everybody. It is good to be with so many friends united in prayer. And I begin by giving all praise and honor to God for bringing us here together today.

I want to thank our co-chairs, MARK and JEFF; to my dear friend, the guy who always has my back, Vice President BIDEN. All the members of Congress and my Cabinet who are here today, all the distinguished guests who have traveled a long way to be a part of this. I am not going to be as funny as Eric but I am grateful that he shared his message with us. Michelle and I feel truly blessed to be here.

This is my fourth year coming to this prayer breakfast as President. As JEFF mentioned, before that I came as senator. I have to say, it is easier coming as President. I don't have to get here quite as early. But it has always been an opportunity that I have cherished. And it is a chance to step back for a moment, for us to come together as brothers and sisters and seek God's face together. At a time when it is easy to lose ourselves in the rush and clamor of our own lives, or get caught up in the noise and rancor that too often passes as politics today, these moments of prayer slow us down. They humble us. They remind us that no matter how much responsibility we have, how fancy our titles, how much power we think we hold, we are imperfect vessels. We can all benefit from turning to our Creator, listening to Him, avoiding phony religiosity and listening to Him.

This is especially important right now, when we are facing some big challenges as a nation. Our economy is making progress as we recover from the worst crisis in three generations, but far too many families are still struggling to find work or make the mortgage, pay for college, or, in some cases, even buy food. Our men and women in uniform have made us safer and more secure, and we are eternally grateful to them, but war and suffering and hardship still remain in too many corners of the globe. And a lot of those men and women who we celebrate on Veteran's Day and Memorial Day come back and find that, when it comes to finding a job or getting the kind of care that they need, we are not always there the way that we need to be.

It is absolutely true that meeting these challenges requires sound decision-making, requires smart policies. We know that part of living in a pluralistic society means that our personal religious beliefs alone cannot dictate our response to every challenge we face.

But in my moments of prayer, I am reminded that faith and values play an enormous role in motivating us to solve some of our most urgent problems, in keeping us going when we suffer setbacks, and opening our minds and our hearts to the needs of others.

We cannot leave our values at the door. If we leave our values at the door, we abandon much of the moral glue that has held our nation together for centuries, and allowed us to become somewhat more perfect a union. Frederick Douglass, Abraham Lincoln, Jane Addams, Martin Luther King, Jr., Dorothy Day, Abraham Heschel—the majority of great reformers in American history did their work not just because it was sound policy, or they had done good analysis, or understood how to exercise good politics, but because their faith and their values dictated it, and called for bold action—sometimes in the face of indifference, sometimes in the face of resistance.

This is no different today for millions of Americans, and it is certainly not for me.

I wake up each morning and I say a brief prayer, and I spend a little time in Scripture and devotion. And from time to time, friends of mine, some of who are here today, friends like Joel Hunter or T.D. Jakes, will come by the Oval Office, or they will call on the phone, or they will send me an email, and we will pray together, and they will pray for me and my family, and for our country.

But I don't stop there. I would be remiss if I stopped there; if my values were limited to personal moments of prayer or private conversations with pastors or friends. So, instead, I must try—imperfectly, but I must try—to make sure those values motivate me as one leader of this great nation.

And so when I talk about our financial institutions playing by the same rules as folks on Main Street, when I talk about making sure insurance companies are not discriminating against those who are already sick, or making sure that unscrupulous lenders are not taking advantage of the most vulnerable among us, I do so because I genuinely believe it will make the economy stronger for everybody. But I also do it because I know that far too many neighbors in our country have been hurt and treated unfairly over the last few years, and I believe in God's command to ''love thy neighbor as thyself.'' I know that a version of that Golden Rule is found in every major religion and every set of beliefs—from Hinduism to Islam to Judaism to the writings of Plato.

And when I talk about shared responsibility, it is because I genuinely believe that in a time when many folks are struggling, at a time when we have enormous deficits, it is hard for me to ask seniors on a fixed income, or young people with student loans, or middle-class families who can barely pay the bills to shoulder the burden alone. And I think to myself, if I am willing to give something up as someone who has been extraordinarily blessed, and give up some of the tax breaks that I enjoy, I actually think that is going to make economic sense.

But for me as a Christian, it also coincides with Jesus's teaching that ''for unto whom much is given, much shall be required.'' It mirrors the Islamic belief that those who have been blessed have an obligation to use those blessings to help others, or the Jewish doctrine of moderation and consideration for others.

When I talk about giving every American a fair shot at opportunity, it is because I believe that when a young person can afford a college education or someone who has been unemployed suddenly has a chance to retrain for a job and regain that sense of dignity and pride, and contributing to the community as well as supporting their families—that helps us all prosper.

It means maybe that research lab on the cusp of a lifesaving discovery, or the company looking for skilled workers is going to do a little bit better, and we will all do better as a consequence. It makes economic sense. But part of that belief comes from my faith in the idea that I am my brother's keeper and I am my sister's keeper; that as a country, we rise and fall together. I am not an island. I am not alone in my success. I succeed because others succeed with me.

And when I decide to stand up for foreign aid, or prevent atrocities in places like Uganda, or take on issues like human trafficking, it is not just about strengthening alliances, or promoting democratic values, or projecting American leadership around the world, although it does all those things and it will make us safer and more secure. It is also about the Biblical call to care for the least of these—for the poor, for those at the margins of our society.

To answer the responsibility we are given in Proverbs to ''speak up for those who cannot speak for themselves, for the rights of all who are destitute.'' And for others, it may reflect the Jewish belief that the highest form of charity is to do our part to help others to stand on their own.

Treating others as you want to be treated; requiring much from those who have been given so much; living by the principle that we are our brother's keeper; caring for the poor and those in need. These values are old. They can be found in many denominations and many faiths, among many believers and among many non-believers. And they are values that have always made this country great—when we live up to them; when we don't just give lip service to them; when we don't just talk about them one day a year. And they are the ones that have defined my own faith journey.

And today, with as many challenges as we face, these are the values I believe we are going to have to return to in the hope that God will buttress our efforts.

Now, we can earnestly seek to see these values lived out in our politics and our policies, and we can earnestly disagree on the best way to achieve these values. In the words of C.S. Lewis, ''Christianity has not, and does not profess to have a detailed political program. It is meant for all men at all times, and the particular program which suited one place or time would not suit another.''

Our goal should not be to declare our policies as Biblical. It is God who is infallible, not us. Michelle reminds me of this often. So instead, it is our hope that people of goodwill can pursue their values and common ground and the common good as best they know how, with respect for each other. And I have to say that sometimes we talk about respect, but we don't act with respect towards each other during the course of these debates.

But each and every day, for many in this room, the Biblical injunctions are not just words, they are also deeds—every single day, in different ways, so many of you are living out your faith in service to others.

Just last month, it was inspiring to see thousands of young Christians filling the Georgia Dome at the Passion Conference, to worship the God who sets the captives free and work to end modern slavery. Since we have expanded and strengthened the White House faith-based initiative, we have partnered with Catholic Charities to help Americans who were struggling with poverty, worked with organizations like World Vision and American Jewish World Service and Islamic Relief to bring hope to those suffering around the world.

Colleges across the country have answered our Interfaith Campus Challenge, and students are joined together across religious lines in service to others. From promoting responsible fatherhood to strengthening adoption, from helping people find jobs to serving our veterans, we are linking arms with faith-based groups all across the country.

I think we all understand that these values cannot truly find voice in our politics and our policies unless they find a place in our hearts. The Bible teaches us to ''be doers of the word and not merely hearers.'' We are required to have a living, breathing, active faith in our own lives. And each of us is called on to give something of ourselves for the betterment of others—and to live the truth of our faith not just with words, but with deeds.

So even as we join the great debates of our age—how we best put people back to work, how we ensure opportunity for every child, the role of government in protecting this extraordinary planet that God has made for us, how we lessen the occasions of war—even as we debate these great issues, we must be reminded of the difference that we can make each day in our small interactions, in our personal lives.

As a loving husband, or a supportive parent, or a good neighbor, or a helpful colleague—in each of these roles, we help bring His kingdom to Earth. And as important as government policy may be in shaping our world, we are reminded that it is the cumulative acts of kindness and courage and charity and love, It is the respect that we show each other and the generosity that we share with each other that in our every day lives will somehow sustain us during these challenging times. John tells us that, ''If anyone has material possessions and sees his brother in need but has no pity on him, how can the love of God be in him? Dear children, let us not love with words or tongue but with actions and in truth.''

MARK read a letter from Billy Graham, and it took me back to one of the great honors of my life, which was visiting Reverend Graham at his mountaintop retreat in North Carolina, when I was on vacation with my family in a hotel not far away.

And I can still remember winding up the path, up a mountain to his home. Ninety-one years old at the time, facing various health challenges, he welcomed me as he would welcome a family member or a close friend. This man who had prayed great prayers that inspired a nation, this man who seemed larger than life, greeted me and was as kind and as gentle as could be.

And we had a wonderful conversation. Before I left, Reverend Graham started to pray for me, as he had prayed for so many Presidents before me. And when he finished praying, I felt the urge to pray for him. I didn't really know what to say. What do you pray for when it comes to the man who has prayed for so many? But like that verse in Romans, the Holy Spirit interceded when I didn't know quite what to say.

And so I prayed—briefly, but I prayed from the heart. I don't have the intellectual capacity or the lung capacity of some of my great preacher friends here who have prayed for a long time. But I prayed. And we ended with an embrace and a warm good-bye.

And I thought about that moment all the way down the mountain, and I have thought about it in the many days since. Because I thought about my own spiritual journey—growing up in a household that was not particularly religious; going through my own

period of doubt and confusion, finding Christ when I was not even looking for him so many years ago; possessing so many shortcomings that have been overcome by the simple grace of God. And the fact that I would ever be on top of a mountain, saying a prayer for Billy Graham—a man whose faith had changed the world and that had sustained him through triumphs and tragedies, and movements and milestones—that simple fact humbled me to my core.

I have fallen on my knees with great regularity since that moment—asking God for guidance not just in my personal life and my Christian walk, but in the life of this nation and in the values that hold us together and keep us strong. I know that He will guide us. He always has and He always will. And I pray his richest blessings on each of you in the days ahead.

Thank you very much.

Senator PRYOR: Thank you, Mr. President, for sharing your heart and your faith with us. You have a room full of people here who are praying for you and your family. God bless the President of the United States of America.

Speaking of powerful people, let's hear one more time from Jackie Evancho.

''The Lord's Prayer'' sung by Miss Jackie Evancho.

Senator SESSIONS: Thank you, Jackie, and may God's blessings continue with you. My thanks to the President, Eric, all our speakers up here this morning You have given us a lot to think about. Now it is our job to ponder these things in our hearts and to turn those good ideas into action.

Senator PRYOR: Being a part of this National Prayer Breakfast is a great privilege and now it becomes a great responsibility. I believe God is counting on you and me to love and pray where we are. Let's complain a lot less and let's pray and love a lot more so God can use us to make a better world. And now to close us in prayer is Robert Griffin III of Baylor University.

Mr. Robert Griffin, III: Before I close in prayer, I would just like to say, ''Sic em, Bears.'' And to the President, if you ever get a little tired of running the country or anything like that, a little bored, I would love to play you in basketball. It would be a friendly competition because I wouldn't want anyone to feel like I was trying to hurt you or anything, so I wouldn't dunk on you at all. This has been a really long breakfast. The longest I have ever been a part of. I guess everyone up here got the memo except for me because both of my cups are empty because I drank them. No one else drank anything and I really have to use the bathroom. So will go ahead and close this out so we can all go ahead and do that.

If you could bow your heads, please. Father God, we thank you for this day as a day you have made and we rejoice and we are glad in it. Today has truly been a great day, many great speakers and a lovely singer who has blessed all of our hearts and brought many to tears. Father God, in Jesus' name, we thank you that we could sit up here and thank you for so many different things and be here all day. But most of all, we thank you above all for having the ability to make a difference in everyone's lives and giving us the power to go out and change the world. And we thank you for your love, your grace and your mercy and as we leave today, we thank you that we take those qualities that can show the world not only with our words but with our actions. In Jesus' name we pray, Amen.

CONVICTION OF DHARUN RAVI

Mr. LEAHY. Mr. President, last week, a jury in New Jersey convicted Dharun Ravi for violations of New Jersey criminal laws against bias intimidation and invasion of privacy. Mr. Ravi had used a Webcam to spy on and then publicize an intimate encounter between his college roommate, Tyler Clementi, and another man. Tragically, Mr. Clementi became so distraught that he took his own life.

Young men and women should not be bullied or shamed because of their sexual orientation. It is incumbent on every segment of society to do what we can to stop bullying in schools and in our communities. As Tyler Clementi's father said after the jury verdict was announced:

> To our college, high school and even middle school youngsters, I would say this: You're going to meet a lot of people in your lifetime. Some of these people you may not like. But just because you don't like them does not mean you have to work against them.

I can only imagine the Clementi family's grief and suffering over their loss. I applaud the efforts they are making to raise awareness about the real dangers of bullying on American campuses.

The Senate is also taking steps to address the growing problem of bullying. I am pleased to be a cosponsor of Senator CASEY's Safe Schools Improvement Act, which requires schools to establish bullying prohibition policies and would help educators identify and address any conduct based on a student's actual or perceived race, color, religion, gender, disability, or sexual orientation. Another bill that I support is the Student Non-Discrimination Act introduced by Senator FRANKEN, which would define harassment as a form of discrimination in our public schools. Both bills have more than 35 cosponsors and deserve full consideration by the Senate. It has been well documented that students who are paralyzed by fear of bullying cannot effectively learn. Congress should help ensure that States and schools have the tools they need to prevent or punish bullying in any form. We must do more to ensure that all students are protected and can thrive in their schools.

In the aftermath of Dharun Ravi's conviction in New Jersey, there has been some commentary on hate crimes laws generally. Some have wondered whether hate crimes laws criminalize thoughts or beliefs and have the effect of chilling free speech. Others have expressed confusion whether Mr. Ravi could have been prosecuted under our recently passed Federal hate crimes law.

As chairman of the Senate Judiciary Committee, let me clarify the scope of Federal hate crimes statutes. First, the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act protects the constitutional right of every individual to have her own thoughts and beliefs and express them in a lawful manner. The law does not prohibit or punish speech, expression, or association in any way—even hate speech. The Constitution does not permit us in Congress to prohibit the expression of an idea simply because we disagree with it.

The Matthew Shepard Act punishes physical violence, not speech. The law requires the defendant to have caused or attempted to cause bodily injury to the victim while being motivated by the victim's sexual orientation or another defined characteristic. Importantly, the defendant in a Federal hate crimes case must have acted willfully. In other words, the defendant must have voluntarily and intentionally caused bodily injury to the victim. From what we know of the Ravi case, the defendant could not have been prosecuted under the Matthew Shepard Act because Mr. Ravi did not willfully cause bodily injury to Tyler Clementi, nor did he willfully cause the victim to take his own life.

We know that the consequences of bias-motivated violence extend beyond the victim. Hate crimes instill fear in those who have no connection to the victim other than a shared characteristic such as race, religion, national origin, gender, disability, or sexual orientation. Preventing such consequences is the reason I offered the Matthew Shepard Act as an amendment to the Defense authorization bill more than 2 years ago. The law has already resulted in several Federal criminal convictions. For example, two Arkansas men were convicted after they targeted five Hispanic victims at a gas station and rammed their car off the road causing serious injuries. Two other men in New Mexico were convicted under this statute for branding a disabled Navajo man with a swastika while writing the words ''KKK'' and ''white power'' on his body.

The Ravi prosecution was brought under New Jersey's laws, which are different from our Federal hate crimes laws.

TRIBUTE TO ADMIRAL ROBERT F. WILLARD

Mr. MCCAIN. Mr. President, today I rise to honor a distinguished naval officer and a true patriot. Having just passed the torch of command for U.S. Pacific Command, Admiral Robert F. Willard will hang up one last time the uniform he first donned almost four decades ago. On the eve of his retirement, it is fitting to memorialize in the annals of this chamber Admiral Willard's years of selfless service to our Nation.

A Los Angeles native, Admiral Willard graduated from the United States Naval Academy and was commissioned in 1973. After he completed flight training and qualified as a naval aviator, he served in F–14 fighter squadrons operating off of the aircraft carriers USS *Constellation*, USS *Ranger*, and USS *Kitty Hawk*. Admiral Willard's proficiency in the cockpit led to his assignment to Navy Fighter Weapons School, more commonly known as

TOPGUN, where he served as the operations and executive officer. Many may not know that Admiral Willard was the aerial coordinator for the 1986 movie Top Gun and also appeared in it as a flight instructor. Admiral Willard later commanded the famous Screaming Eagles Fighter Squadron operating off of the USS *Carl Vinson*.

In 1992, following his successful completion of nuclear power training, Admiral Willard rejoined the USS *Carl Vinson* as its executive officer. He went on to command the amphibious flagship USS *Tripoli* and the aircraft carrier USS *Abraham Lincoln*. As a flag officer, Admiral Willard twice served on the Joint Staff, was deputy and chief of staff for U.S. Pacific Fleet, commanded Carrier Group Five embarked upon the USS *Kitty Hawk*, and commanded Seventh Fleet in Yokosuka, Japan. In March 2005, Admiral Willard became the 34th Vice Chief of Naval Operations, and in May 2007, he became Commander of the United States Pacific Fleet.

On October 19, 2009, Admiral Willard was appointed as Commander, U.S. Pacific Command. He assumed command when much of our focus was still on the Middle East and North Africa, and rightly so. Conflicts there, however, in no way diminished the importance of the Asia-Pacific, where strategically important events unfolded during Admiral Willard's command. As the United States rebalances its national security strategy and realigns its forces with a greater focus on the Asia-Pacific, Admiral Willard's leadership over the last 2 years has laid a critical foundation for our security and that of our allies, now and in years to come.

Pacific Command is personally resonant with me. Between 1968 and 1972, my father held the position, then known as Commander-in-Chief, Pacific Command, that Admiral Willard has just relinquished. The running joke between Admiral Willard and me has been that he was living in my father's old house. And so, of all the praise and accolades I could bestow on Admiral Willard for his service to our Nation, the best and most appropriate would be: the command undertaken by my father and other great men has been admirably served by the leadership of Admiral Willard.

Admiral Willard has always paid tribute to his spouse of 38 years Donna, who has been a tireless advocate for the men and women of the commands in which she and her husband have served, and a wonderful ambassador for the United States and the Navy. And so I extend a grateful Nation's thanks to the Willards and their children Jennifer, Bryan, and Mark for their exceptional service, best wishes for the next chapter in their life, and fair winds and following seas.

50TH ANNIVERSARY OF THE UNITED STATES SENATE YOUTH PROGRAM

Mr. BLUMENTHAL. Mr. President, for 50 years, the United States Senate Youth Program, USSYP, has selected 2 remarkable high school students from each State, the District of Columbia, and the Department of Defense Education Activity program to visit our Nation's capital for an inspiring week-long immersion in the workings of the Federal government and a mirror into public service. The students that participate in the USSYP have gone on to dedicate their lives to our country, including Senator SUSAN COLLINS, New Jersey Governor Chris Christie, and former presidential advisor Karl Rove.

Started in 1962 through the adoption of S. Res. 324, this program is as crucial now as it was when it was first created. The USSYP acknowledges our country's need to encourage inspired and proactive youth. It takes a stand against complacency and apathy when it comes to learning, gives students a chance to see firsthand the hard work and dedication of appointed and elected officials, and sustains and heightens their passion for helping others after the program is finished. It also aims to instill a true understanding of the democratic process ''and the vital importance of democratic decision making not only for America but for people around the world'' (S. Res. 324), creating a cadre of young ambassadors who promote representative government in their own communities.

I wish to recognize the partners of the USSYP, most especially the Hearst Foundations, and my Senate colleagues who participated in Washington Week a few weeks ago. I thank the Hearst Foundations for their generous offer to fund this program as long as the Senate keeps it alive. Also, I express my gratitude for nonprofit organizations that are innovatively addressing the deficit of civic knowledge and public responsibility in our Nation's students. For example, iCivics, a project started by Justice Sandra Day O'Connor, aims to use video games and other web-based tools to engage students and teach them about our government on all levels, including the importance of participation as a citizen, the power of a vote, the checks and balances of our three branches, and our founding documents. We must continue to remain invested in the knowledge and ideals our future generations bring forth.

The USSYP understands the importance of fostering the genuine interest in public service held by our Nation's youth, and only selects high schoolers to participate who have demonstrated a commitment to their student government or local civic organizations. I hope the USSYP's strong 50 years can serve as a model for similar programs—especially to reach those who may not have the support or resources to define or act on their passion for public service. The USSYP has created an alumni fund to assist delegates, who are entering college or the work force in a low-paying, public service capacity, by providing scholarships. This great first step provides support to our young constituents who are striving to realize their dreams, but are worried about the costs involved.

I enjoyed meeting with the Connecticut delegates during the annual Senate reception during Washington Week and appreciated our thoughtful dialogue. Their visit has left me inspired and hopeful about our country's future.

I know my colleagues will join me in recognizing the importance of the United States Senate Youth program for the next 50 years.

ADDITIONAL STATEMENTS

JACKSON'S SUGAR HOUSE AND VEGETABLE STAND

• Ms. SNOWE. Mr. President, each year as winter makes way for spring, across my home state of Maine you will see maple trees lined with metal buckets poised to collect delectable maple syrup. Maine is the third largest producer of maple syrup in America, and last year experienced a 14 percent increase, generating a remarkable 360,000 gallons. As maple sugar season commences and Maine looks forward to celebrating the time-honored Maple Sugar Sunday, I rise to commend Jackson's Sugar House & Vegetable Stand located in Oxford, ME.

Often times a small request sparks a marvelous business enterprise. For Roger Jackson, owner of Jackson's Sugar House & Vegetable Stand, his passion for maple syrup was reignited a few years ago when his granddaughter sought help for a school project on how to make the sweet liquid. Although Roger had been producing maple syrup on and off since he was 6 years old, his granddaughter's question renewed his love for this New England staple. And the results have been incredibly sweet.

As a veteran in maple syrup production, Roger is familiar with the trials and tribulations that go along with this endeavor. While it is often hard to turn a profit as a small producer, the smiles on his customers' faces truly make it all worthwhile. Further, compared to when Roger was a child, improvements in technology have certainly enhanced and eased the process of turning sap into maple sugar. For example, today Jackson's Sugar House uses a stainless steel evaporator—equipment that enables them to easily remove water and ensure better control over the quality of their product. This evaporation process is a vast improvement over Roger's childhood maple making experiences involving boiling sap over an open flame.

Roger's expertise in maple syrup has certainly not gone unnoticed. He was recently appointed by the Maine Department of Agriculture Commissioner, Walter Whitcomb, to the Maine

Maple Task Force Study Group to represent producers of maple sugar products with 1,000 or fewer taps. This Task Force was created in May of 2011, as part of the State's legislation ''To Study the Promotion and Expansion of the Maine Maple Sugar Industry.'' Roger's participation on the task force has been instrumental in ensuring that the needs of small producers and mom and pop sugarhouse operations are vigorously advocated.

Maple syrup and all maple sugar products are certainly among the sweetest commodities produced in Maine. Thanks to the proficiency and resolve of individuals such as Roger Jackson, Maine continues to produce the highest quality maple products. I am proud to extend my congratulations to Roger Jackson and everyone at Jackson's Sugar House & Vegetable Stand for their dedication to excellence, and offer my best wishes for their continued success.●

TRIBUTE TO RACHEL BRISTOL

● Mr. WYDEN. Mr. President, today I wish to recognize someone who has spent the last 30 years in the front ranks of the fight against hunger in my State.

Rachel Bristol, president and CEO of the Oregon Food Bank, has devoted her life to making sure that Oregonians in need are able to put nutritious food on the table. She has spent every minute of every day of her career doing everything in her power to eliminate hunger.

As Rachel retires, she leaves behind a legacy of determination and hard work that has guided the Oregon Food Bank and seen it expand into a professional organization that reflects her vision of what a community should do to help those in need.

Last year alone, the Oregon Food Bank Network distributed more than 81 million pounds of food. I am proud to say that I have stood beside the food bank's employees and volunteers and packaged my share of pancake mix or other food. So, I know firsthand how dedicated they are in making sure that no one goes to bed hungry.

Whether we call it hunger, food insecurity or something else, what we are really talking about is the tragedy of having hungry families in the richest country in the world.

Rachel saw that inequity and spent her life doing something about it. Because of that fewer people in Oregon went hungry because she gave them a place to go—a place to look to—for basic nutritious food to put on their table.

Because of Rachel Bristol, the food bank is a better organization and Oregon is a better community.

While she may be retiring, something tells me that the fight against hunger will always be a part of who she is.●

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 sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:42 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 665. An act to establish a pilot program for the expedited disposal of Federal real property.

H.R. 2087. An act to remove restrictions from a parcel of land situated in the Atlantic District, Accomack County, Virginia.

The message also announced that pursuant to Senate Concurrent Resolution 35, 112th Congress, and the order of the House of January 5, 2011, the Speaker appoints the following Members of the House of Representatives to the Joint Congressional Committee on Inaugural Ceremonies: Mr. BOEHNER of Ohio, Mr. CANTOR of Virginia, and Ms. PELOSI of California.

At 4:30 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 108. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 886) to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 665. An act to establish a pilot program for the expedited disposal of Federal real property; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2087. An act to remove restrictions from a parcel of land situated in the Atlantic District, Accomack County, Virginia; to the Committee on Commerce, Science, and Transportation.

The following bill was read, and referred as indicated:

H.R. 306. An act to direct the Secretary of the Interior to enter into an agreement to provide for management of the free-roaming wild horses in and around the Currituck National Wildlife Refuge; to the Committee on Environment and Public Works.

MEASURES DISCHARGED

The following bill was discharged from the Committee on Energy and Natural Resources, and referred as indicated:

H.R. 306. An act to direct the Secretary of the Interior to enter into an agreement to provide for management of the free-roaming wild horses in and around the Currituck National Wildlife Refuge; to the Committee on Environment and Public Works.

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–5401. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled ''2010 Status of the Nation's Highways, Bridges and Transit: Conditions and Performance''; to the Committee on Commerce, Science, and Transportation.

EC–5402. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Western Pacific Fisheries; 2012 Annual Catch Limits and Accountability Measures'' (RIN0648–XA674) received in the Office of the President of the Senate on March 2, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5403. A communication from the Acting Division Chief, Office of National Marine Sanctuaries, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Overflight Regulations for the Channel Islands, Monterey Bay, Gulf of the Farallones, and Olympic Coast National Marine Sanctuaries'' (RIN0648–AX79) received in the Office of the President of the Senate on March 2, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5404. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod By Vessels Using Pot Gear in the Western Regulatory Area of the Gulf of Alaska'' (RIN0648–XA988) received in the Office of the President of the Senate on March 2, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5405. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Pot Gear in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XA992) received in the Office of the President of the Senate on March 2, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5406. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in

the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XA987) received in the Office of the President of the Senate on March 2, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5407. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Augusta S.p.A. Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2011–1454)) received in the Office of the President of the Senate on March 6, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5408. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Community Development Quota Program'' (RIN0648–AV33) received in the Office of the President of the Senate on March 2, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5409. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Chinook Salmon Bycatch Management in the Bering Sea Pollock Fishery; Economic Data Collection'' (RIN0648–BA80) received in the Office of the President of the Senate on March 2, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5410. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Comprehensive Ecosystem-Based Amendment 2 for the South Atlantic Region; Correction'' (RIN0648–BB26) received in the Office of the President of the Senate on March 2, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5411. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 32'' (RIN0648–AY56) received in the Office of the President of the Senate on March 2, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5412. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Gulf of Maine Winter Flounder Catch Limit Revisions'' (RIN0648–XA913) received in the Office of the President of the Senate on March 2, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5413. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (29); Amdt. No. 3461'' (RIN2120–AA65) received in the Office of the President of the Senate on March 6, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5414. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (82); Amdt. No. 3460'' (RIN2120–AA65) received in the Office of the President of the Senate on March 6, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5415. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0382)) received in the Office of the President of the Senate on March 6, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5416. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eclipse Aerospace, Inc. Airplanes Equipped with Pratt and Whitney Canada, Corp. PW610F-A Engines'' ((RIN2120–AA64) (Docket No. FAA–2011–0199)) received in the Office of the President of the Senate on March 6, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5417. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Part 95 Instrument Flight Rules (4); Amdt. No. 498'' (RIN2120–AA63) received in the Office of the President of the Senate on March 6, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5418. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Conductor Certification'' (RIN2130–AC36) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5419. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls Royce plc (RR) RB211–Trent 800 Series Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2010–0755)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5420. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Lycoming Engines Reciprocating Engines'' ((RIN2120–AA64) (Docket No. FAA–2011–0533)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5421. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Various Transport Category Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0956)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5422. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Turbomeca S.A. Turboshaft Engines'' ((RIN2120–AA64) (Docket No. FAA–2009–0889)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5423. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0725)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5424. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Inc., Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–1092)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5425. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0571)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5426. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fokker Services B.V. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–1067)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5427. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; DASSAULT AVIATION Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–1166)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5428. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–1227)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5429. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2006–25001)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5430. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0994)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5431. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; 328 Support Services GmbH (Type Certificate Previously Held by AvCraft Aerospace GmbH; Fairchild Dornier GmbH; Dornier

Luftfahrt GmbH) Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0912) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5432. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce plc (RR) RB211-535 Series Turbofan Engine'' ((RIN2120–AA64) (Docket No. FAA–2009–0994)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5433. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Lycoming Engines Reciprocating Engines'' ((RIN2120–AA64) (Docket No. FAA–2011–0691)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5434. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Thielert Aircraft Engines GmbH Reciprocating Engines'' ((RIN2120–AA64) (Docket No. FAA–2011–0956)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5435. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Superior Air Parts, Lycoming Engines (Formerly Textron Lycoming), and Continental Motors, Inc., Fuel-Injected Reciprocating Engines'' ((RIN2120–AA64) (Docket No. FAA–2011–0547)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5436. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2010–0068)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5437. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Honeywell International Inc. TPE331–10 and TPE331–11 Series Turboprop Engines'' ((RIN2120–AA64) (Docket No. FAA–2011–0789)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5438. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0037)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5439. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; CFM International, S.A. Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2011–0946)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5440. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce plc Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2012–0004)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

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. DURBIN (for himself, Mr. BOOZMAN, and Mr. COONS):

S. 2215. A bill to create jobs in the United States by increasing United States exports to Africa by at least 200 percent in real dollar value within 10 years, and for other purposes; to the Committee on Foreign Relations.

By Mr. MERKLEY (for himself and Mr. LUGAR):

S. 2216. A bill to amend the Farm Security and Rural Investment Act of 2002 to authorize the Secretary of Agriculture to make loans to certain entities that will use the funds to make loans to consumers to implement cost-effective energy efficiency measures to promote energy cost savings and rural development; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRASSLEY (for himself, Mr. JOHNSON of South Dakota, Mr. BROWN of Ohio, Mrs. GILLIBRAND, Mr. ENZI, Mr. NELSON of Nebraska, and Mr. HARKIN):

S. 2217. A bill to amend the Food Security Act of 1985 to restore integrity to and strengthen payment limitation rules for commodity payments and benefits; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, Mr. MCCAIN, and Mr. BROWN of Massachusetts):

S. 2218. A bill to reauthorize the United States Fire Administration, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WHITEHOUSE (for himself, Mr. FRANKEN, Mr. SCHUMER, Mr. BENNET, Mr. MERKLEY, Mrs. SHAHEEN, Mr. UDALL of New Mexico, Mr. WYDEN, Mr. SANDERS, Mr. BEGICH, Mrs. MURRAY, Mr. MENENDEZ, Mr. LEVIN, Mr. KERRY, Mr. BINGAMAN, Mrs. BOXER, Mr. HARKIN, Mr. LEAHY, Ms. STABENOW, Mr. ROCKEFELLER, Mrs. GILLIBRAND, Mr. REED, Mr. BLUMENTHAL, Mr. DURBIN, Ms. KLOBUCHAR, Mr. COONS, Mr. CARDIN, Mr. UDALL of Colorado, Mr. BROWN of Ohio, Mr. WEBB, Mr. CONRAD, Mrs. MCCASKILL, Mr. CASEY, Mr. AKAKA, Mr. LAUTENBERG, Mrs. FEINSTEIN, and Ms. LANDRIEU):

S. 2219. A bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, Super PACs and other entities, and for other purposes; to the Committee on Rules and Administration.

By Mr. LEVIN:

S. 2220. A bill for the relief of Momo Krcic; to the Committee on the Judiciary.

By Mr. THUNE (for himself, Mr. MORAN, Mr. MCCAIN, Mr. TESTER, Mr. RUBIO, Mr. PAUL, Mr. TOOMEY, Mr. WICKER, Mr. SESSIONS, Mr. VITTER, Mr. LEE, Mr. MCCONNELL, Ms. AYOTTE, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, Mr. BURR, Mr. CHAMBLISS, Mr. COCHRAN, Mr. COATS, Mr. CRAPO, Mr. DEMINT, Mr. ENZI, Mr. GRAHAM, Mr. CORNYN, Mr. GRASSLEY, Mr. COBURN, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNS, Mr. HATCH, Mr. KIRK, Mr. KYL, Mr. LUGAR, Mr. JOHNSON of Wisconsin, Mr. RISCH, Mr. ROBERTS, and Mr. ALEXANDER):

S. 2221. A bill to prohibit the Secretary of Labor from finalizing a proposed rule under the Fair Labor Standards Act of 1938 relating to child labor; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANDERS (for himself, Mr. BLUMENTHAL, Mr. CARDIN, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. NELSON of Florida, Mr. BROWN of Ohio, and Mrs. FEINSTEIN):

S. 2222. A bill to require the Commodity Futures Trading Commission to take certain actions to reduce excessive speculation in energy markets; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRAHAM (for himself, Mr. COCHRAN, Mr. WICKER, Mr. BURR, and Mr. SHELBY):

S.J. Res. 38. A joint resolution disapproving a rule submitted by the Department of Labor relating to the certification of nonimmigrant workers in temporary or seasonal nonagricultural employment; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WHITEHOUSE (for himself and Mr. KERRY):

S. Res. 401. A resolution expressing appreciation for Foreign Service and Civil Service professionals who represent the United States around the globe; to the Committee on Foreign Relations.

By Mr. COONS (for himself, Mr. INHOFE, Mr. LIEBERMAN, Mr. MENENDEZ, Mr. HATCH, Mr. DURBIN, Mr. LEAHY, Mr. SCHUMER, Mr. AKAKA, Mrs. MURRAY, Mr. WHITEHOUSE, Mr. TESTER, Mr. NELSON of Nebraska, Mr. FRANKEN, Ms. LANDRIEU, Mr. REED, Mr. MORAN, Mr. GRAHAM, Mr. LEVIN, Ms. COLLINS, Mr. ISAKSON, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. BEGICH, Mrs. BOXER, Mr. WICKER, Mr. BROWN of Ohio, Mr. LAUTENBERG, Mr. MERKLEY, Mr. COATS, Mr. CARDIN, Mr. CORNYN, and Mr. BLUNT):

S. Res. 402. A resolution condemning Joseph Kony and the Lord's Resistance Army for committing crimes against humanity and mass atrocities, and supporting ongoing efforts by the United States Government and governments in central Africa to remove Joseph Kony and Lord's Resistance Army commanders from the battlefield; to the Committee on Foreign Relations.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 403. A resolution to authorize testimony, document production, and legal representation in United States v. Richard F. ''Dickie'' Scruggs; considered and agreed to.

ADDITIONAL COSPONSORS

S. 102

At the request of Mr. MCCAIN, the name of the Senator from Florida (Mr.

RUBIO) was added as a cosponsor of S. 102, a bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.

S. 418

At the request of Mr. MCCONNELL, his name was added as a cosponsor of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 1039

At the request of Mr. CARDIN, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Utah (Mr. LEE) were added as cosponsors of S. 1039, a bill to impose sanctions on persons responsible for the detention, abuse, or death of Sergei Magnitsky, for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and for other gross violations of human rights in the Russian Federation, and for other purposes.

S. 1086

At the request of Mr. HARKIN, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 1086, a bill to reauthorize the Special Olympics Sport and Empowerment Act of 2004, to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 1129

At the request of Mr. BARRASSO, the names of the Senator from Utah (Mr. LEE) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of S. 1129, a bill to amend the Federal Land Policy and Management Act of 1976 to improve the management of grazing leases and permits, and for other purposes.

S. 1366

At the request of Ms. CANTWELL, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1366, a bill to amend the Internal Revenue Code of 1986 to broaden the special rules for certain governmental plans under section 105(j) to include plans established by political subdivisions.

S. 2090

At the request of Mr. AKAKA, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 2090, a bill to amend the Indian Law Enforcement Reform Act to extend the period of time provided to the Indian Law and Order Commission to produce a required report, and for other purposes.

S. 2122

At the request of Mr. PAUL, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 2122, a bill to clarify the definition of navigable waters, and for other purposes.

S. 2165

At the request of Mrs. BOXER, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

S. 2201

At the request of Mr. GRASSLEY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2201, a bill to amend the Internal Revenue Code of 1986 to extend the renewable energy credit.

S. 2204

At the request of Mr. MENENDEZ, the names of the Senator from Michigan (Ms. STABENOW), the Senator from New York (Mr. SCHUMER), the Senator from Illinois (Mr. DURBIN), the Senator from Florida (Mr. NELSON), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Minnesota (Mr. FRANKEN), the Senator from Rhode Island (Mr. REED) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 2204, a bill to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.

S. 2213

At the request of Mr. LUGAR, his name was withdrawn as a cosponsor of S. 2213, a bill to allow reciprocity for the carrying of certain concealed firearms.

At the request of Mr. THUNE, the names of the Senator from Kansas (Mr. MORAN) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 2213, supra.

S. RES. 356

At the request of Mrs. FEINSTEIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. Res. 356, a resolution expressing support for the people of Tibet.

S. RES. 397

At the request of Mr. COONS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. Res. 397, a resolution promoting peace and stability in Sudan, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Mr. BOOZMAN, and Mr. COONS):

S. 2215. A bill to create jobs in the United States by increasing United States exports to Africa by at least 200 percent in real dollar value within 10 years, and for other purposes; to the Committee on Foreign Relations.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2215

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 ''Increasing American Jobs Through Greater Exports to Africa Act of 2012''.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Export growth helps United States business grow and create American jobs. In 2010, 60 percent of American exports came from small- and medium-sized businesses.

(2) On January 31, 2011, the President mandated an executive review across agencies to determine where the United States Government could become more competitive and helpful to business, including help with promoting exports.

(3) Several United States Government agencies are involved in export promotion. Coordination of the efforts of these agencies through the Trade Promotion Coordinating Committee lacks sufficient strategic implementation and accountability.

(4) Many other countries have trade promotion programs that aggressively compete against United States exports in Africa and around the world. For example, in 2010, medium- and long-term official export credit general volumes from the Group of 7 countries (Canada, France, Germany, Italy, Japan, the United Kingdom, and the United States) totaled $65,400,000,000. Germany provided the largest level of support at $22,500,000,000, followed by France at $17,400,000,000 and the United States at $13,000,000,000. Official export credit support by emerging market economies such as Brazil, China, and India are significant as well.

(5) Between 2008 and 2010, China alone provided more than $110,000,000,000 in loans to the developing world, and, in 2009, China surpassed the United States as the leading trade partner of African countries. The Export-Import Bank of the United States substantially increased lending to United States businesses focused on Africa from $400,000,000 in 2009 to an anticipated $1,000,000,000 in 2011, but the Export-Import Bank of China dwarfed this effort with an estimated $12,000,000,000 worth of financing.

(6) Other countries such as India, Turkey, Russia, and Brazil are also aggressively seeking markets in Africa using their national export banks to provide concessional assistance.

(7) The Chinese practice of concessional financing runs contrary to the principles of the Organization of Economic Co-operation and Development related to open market rates, undermines naturally competitive rates, and can allow governments in Africa to overlook the troubling record on labor practices, human rights, and environmental impact.

(8) The African continent is undergoing a period of rapid growth and middle class development, as seen from major indicators such as Internet use and clean water access. In 2000, only 6.7 percent of the population of Africa had access to the Internet. In 2009, 27.1 percent of the population had Internet access. Seventy-eight percent of Africa's rural population now has access to clean water.

(9) Economists have designated Africa as the ''next frontier market'', with profitability and growth rates among many African firms exceeding global averages in recent years. Countries in Africa have a collective spending power of almost $9,000,000,000 and a gross domestic product of $1,600,000,000,000, which are projected to double in the next 10 years.

(10) Sub-Saharan Africa is projected to have the fastest growing economies in the world over the next 5 years, with 7 of the 10 fastest growing economies located in sub-Saharan Africa.

(11) When countries such as China assist with large-scale government projects, they

also gain an upper hand in relations with African leaders and access to valuable commodities such as oil and copper, typically without regard to environmental, human rights, labor, or governance standards.

(12) Unless the United States can offer competitive financing for its firms in Africa, it will be deprived of opportunities to participate in African efforts to close the continent's significant infrastructure gap that amounts to an estimated $100,000,000,000.

(b) PURPOSE.—The purpose of this Act is to create jobs in the United States by expanding programs that will result in increasing United States exports to Africa by 200 percent in real dollar value within 10 years.

SEC. 3. DEFINITIONS.

In this Act:

(1) AFRICA.—The term ''Africa'' refers to the entire continent of Africa and its 54 countries, including the Republic of South Sudan.

(2) AFRICAN DIASPORA.—The term ''African diaspora'' means the people of African origin living in the United States, irrespective of their citizenship and nationality, who are willing to contribute to the development of Africa.

(3) AGOA.—The term ''AGOA'' means the African Growth and Opportunity Act (19 U.S.C. 3701 et seq.).

(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Appropriations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Appropriations, the Committee on Energy and Commerce, the Committee on Financial Services, the Committee on Foreign Affairs, and the Committee on Ways and Means of the House of Representatives.

(5) DEVELOPMENT AGENCIES.—The term ''development agencies'' includes the Department of State, including the United States Agency for International Development (USAID), the Millennium Challenge Corporation (MCC), the Overseas Private Investment Corporation (OPIC), and the United States Trade and Development Agency (USTDA).

(6) TRADE POLICY STAFF COMMITTEE.—The term ''Trade Policy Staff Committee'' means the Trade Policy Staff Committee established pursuant to section 2002.2 of title 15, Code of Federal Regulations, and is composed of representatives of Federal agencies in charge of developing and coordinating United States positions on international trade and trade-related investment issues.

(7) MULTILATERAL DEVELOPMENT BANKS.—The term ''multilateral development banks'' has the meaning given that term in section 1701(c)(4) of the International Financial Institutions Act (22 U.S.C. 262r(c)(4)) and includes the African Development Foundation.

(8) SUB-SAHARAN REGION.—The term ''sub-Saharan region'' refers to the 49 countries listed in section 107 of the African Growth and Opportunity Act (19 U.S.C. 3706) and includes the Republic of South Sudan.

(9) TRADE PROMOTION COORDINATING COMMITTEE.—The term ''Trade Promotion Coordinating Committee'' means the Trade Promotion Coordinating Committee established by Executive Order 12870 (58 Fed. Reg. 51753).

(10) UNITED STATES AND FOREIGN COMMERCIAL SERVICE.—The term ''United States and Foreign Commercial Service'' means the United States and Foreign Commercial Service established by section 2301 of the Export Enhancement Act of 1988 (15 U.S.C. 4721).

SEC. 4. STRATEGY.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall establish a comprehensive United States strategy for public and private investment, trade, and development in Africa.

(b) FOCUS OF STRATEGY.—The strategy required by subsection (a) shall focus on—

(1) increasing exports of United States goods and services to Africa by 200 percent in real dollar value within 10 years from the date of the enactment of this Act;

(2) coordinating United States commercial interests with development priorities in Africa;

(3) developing relationships between the governments of countries in Africa and United States businesses that have an expertise in such issues as infrastructure development, technology, telecommunications, energy, and agriculture;

(4) improving the competitiveness of United States businesses in Africa, including the role the African diaspora can play in enhancing such competitiveness;

(5) exploring ways that African diaspora remittances can help governments in Africa tackle economic, development, and infrastructure financing needs;

(6) promoting economic integration in Africa through working with the subregional economic communities, supporting efforts for deeper integration through the development of customs unions within western and central Africa and within eastern and southern Africa, eliminating time-consuming border formalities into and within these areas, and supporting regionally based infrastructure projects;

(7) encouraging a greater understanding among United States business and financial communities of the opportunities Africa holds for United States exports; and

(8) monitoring—

(A) market loan rates and the availability of capital for United States business investment in Africa;

(B) loan rates offered by the governments of other countries for investment in Africa; and

(C) the policies of other countries with respect to export financing for investment in Africa that are predatory or distort markets.

(c) CONSULTATIONS.—In developing the strategy required by subsection (a), the President shall consult with—

(1) Congress;

(2) each agency that is a member of the Trade Promotion Coordinating Committee;

(3) the multilateral development banks;

(4) each agency that participates in the Trade Policy Staff Committee;

(5) the President's National Export Council;

(6) each of the development agencies;

(7) any other Federal agencies with responsibility for export promotion or financing and development; and

(8) the private sector, including businesses, nongovernmental organizations, and African diaspora groups.

(d) SUBMISSION TO CONGRESS.—

(1) STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress the strategy required by subsection (a).

(2) PROGRESS REPORT.—Not later than 3 years after the date of the enactment of this Act, the President shall submit to Congress a report on the implementation of the strategy required by subsection (a).

(3) CONTENT OF REPORT.—The report required by paragraph (2) shall include an assessment of the extent to which the strategy required by subsection (a)—

(A) has been successful in developing critical analyses of policies to increase exports to Africa;

(B) has been successful in increasing the competitiveness of United States businesses in Africa;

(C) has been successful in creating jobs in the United States, including the nature and sustainability of such jobs;

(D) has provided sufficient United States Government support to meet third country competition in the region;

(E) has been successful in helping the African diaspora in the United States participate in economic growth in Africa;

(F) has been successful in promoting economic integration in Africa; and

(G) has made a meaningful contribution to the transformation of Africa and its full integration into the twenty-first century world economy, not only as a supplier of primary products but also as full participant in international supply and distribution chains.

SEC. 5. SPECIAL AFRICA STRATEGY COORDINATOR.

The President shall designate an individual to serve as Special Africa Export Strategy Coordinator—

(1) to oversee the development and implementation of the strategy required by section 4; and

(2) to coordinate with the Trade Promotion Coordinating Committee, (the interagency AGOA committees), and development agencies with respect to developing and implementing the strategy.

SEC. 6. TRADE MISSION TO AFRICA.

It is the sense of Congress that, not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce and other high-level officials of the United States Government with responsibility for export promotion, financing, and development should conduct a joint trade mission to Africa.

SEC. 7. PERSONNEL.

(a) UNITED STATES AND FOREIGN COMMERCIAL SERVICE.—

(1) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Secretary of Commerce shall ensure that not less than 14 total United States and Foreign Commercial Service officers are assigned to Africa.

(2) ASSIGNMENT.—The Secretary shall, in consultation with the Trade Promotion Coordinating Committee and the Special Africa Export Strategy Coordinator, assign the United States and Foreign Commercial Service officers described in paragraph (1) to United States embassies in Africa.

(3) MULTILATERAL DEVELOPMENT BANKS.—

(A) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Secretary of Commerce shall assign not less than 1 full-time United States and Foreign Commercial Service officer to the office of the United States Executive Director at each multilateral development bank.

(B) RESPONSIBILITIES.—Each United States and Foreign Commercial Service officer assigned under subparagraph (A) shall be responsible for—

(i) increasing the access of United States businesses to procurement contracts with the multilateral development bank to which the officer is assigned; and

(ii) facilitating the access of United States businesses to risk insurance, equity investments, consulting services, and lending provided by that bank.

(b) EXPORT-IMPORT BANK OF THE UNITED STATES.—Of the amounts collected by the Export-Import Bank that remain after paying the expenses the Bank is authorized to pay from such amounts for administrative expenses, the Bank shall use sufficient funds to do the following:

(1) Assign, in consultation with the Trade Promotion Coordinating Committee and the

Special Africa Export Strategy Coordinator, not less than 3 full-time employees of the Bank to geographically appropriate field offices in Africa.

(2) Increase the number of employees of the Bank assigned to United States field offices of the Bank to not less than 30, to be distributed as geographically appropriate through the United States. Such offices shall coordinate with the related export efforts undertaken by the Small Business Administration regional field offices.

(3) Upgrade the Bank's equipment and software to more expeditiously, effectively, and efficiently process and track applications for financing received by the Bank.

(c) OVERSEAS PRIVATE INVESTMENT CORPORATION.—

(1) STAFFING.—Of the net offsetting collections collected by the Overseas Private Investment Corporation used for administrative expenses, the Corporation shall use sufficient funds to increase by not more than 5 the staff needed to promote stable and sustainable economic growth and development in Africa, to strengthen and expand the private sector in Africa, and to facilitate the general economic development of Africa, with a particular focus on helping United States businesses expand into African markets.

(2) REPORT.—The Corporation shall report to the appropriate congressional committees on whether recent technology upgrades have resulted in more effective and efficient processing and tracking of applications for financing received by the Corporation.

SEC. 8. TRAINING.

The President shall develop a plan—

(1) to standardize the training received by United States and Foreign Commercial Service officers, economic officers of the Department of State, and economic officers of the United States Agency for International Development with respect to the programs and procedures of the Export-Import Bank of the United States, the Overseas Private Investment Corporation, the Small Business Administration, and the United States Trade and Development Agency; and

(2) to ensure that, not later than 1 year after the date of the enactment of this Act—

(A) all United States and Foreign Commercial Service officers that are stationed overseas receive the training described in paragraph (1); and

(B) in the case of a country to which no United States and Foreign Commercial Service officer is assigned, any economic officer of the Department of State stationed in that country shall receive that training.

SEC. 9. EXPORT-IMPORT BANK CAPITALIZATION.

(a) IN GENERAL.—Section 6(a)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)(2)) is amended—

(1) in subparagraph (D), by striking ''and'';

(2) in subparagraph (E), by striking ''2011,'' and inserting ''2011, $95,000,000,000;''; and

(3) by adding at the end the following:

''(F) during fiscal year 2012 and each fiscal year thereafter through fiscal year 2016, $150,000,000,000; and

''(G) subject to paragraph (4), during fiscal year 2017 and each fiscal year thereafter, $175,000,000,000.''.

(b) SPECIAL RULE FOR INCREASE IN APPLICABLE AMOUNT.—Section 6(a) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)) is amended by adding at the end the following:

''(4) SPECIAL RULE FOR INCREASE IN APPLICABLE AMOUNT.—

''(A) IN GENERAL.—Beginning in fiscal year 2017, and each fiscal year thereafter, the applicable amount under paragraph (1) shall be $175,000,000,000, if the Comptroller General of the United States determines pursuant to subparagraph (B) that the increase in the applicable amount under paragraph (1)(F) has been effective in increasing viable loans to further United States exports, including to Africa.

''(B) REPORT BY GAO.—The Comptroller General of the United States shall conduct a study of the operations of the Bank and the effectiveness of increasing the applicable amount under this subsection. Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit a report to Congress regarding the Comptroller General's determination on the effective use by the Bank of the increase in the applicable amount under this subsection.''.

(c) PERCENT TO BE USED FOR PROJECTS IN AFRICA.—Section 6(a) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)), as amended by subsection (b), is amended by adding at the end the following:

''(5) PERCENT OF INCREASE TO BE USED FOR PROJECTS IN AFRICA.—Not less than 25 percent of the amount by which the applicable amount under paragraph (1) is increased under paragraph (2) (F) or (G) over the applicable amount for fiscal year 2011 shall be used for loans, guarantees, and insurance for projects in Africa.''.

(d) AVAILABILITY OF PORTION OF CAPITALIZATION TO COMPETE AGAINST FOREIGN CONCESSIONAL LOANS.—Not less than $250,000,000 of the total bank capitalization of the Export-Import Bank shall be available annually for loans that counter below-market rate, preferential, tied aid, or other related non-market loans offered by other nations for which United States companies are also competing or interested in competing.

SEC. 10. TIED AID CREDIT FUND.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Export-Import Bank should use its Tied Aid Credit Fund to aggressively help United States companies compete for projects in which a foreign government is using any type of below market, preferential, or tied aid loan. The Bank shall make use of any loan products available, including pursuant to section 9(d), to counter these foreign offerings.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Export-Import Bank shall report to the appropriate congressional committees if the Bank has not used at least $220,000,000 in tied aid credit during the preceding fiscal year. The report shall include—

(1) a description of all requests for grants from the Tied-Aid Credit Fund or other similar funds (established under section 10 of the Export-Import Bank Act of 1945 (12 U.S.C. 635i–3)) received by the Bank during that fiscal year;

(2) a description of similar concessional (below market rate) loans made by other countries during that fiscal year; and

(3) a description of any such grant requests that were denied and the reason for such denial.

SEC. 11. SMALL BUSINESS ADMINISTRATION.

Section 22(b) of the Small Business Act (15 U.S.C. 649(b)) is amended—

(1) in the matter preceding paragraph (1), by inserting ''the Trade Promotion Coordinating Committee,'' after ''Director of the United States Trade and Development Agency,''; and

(2) in paragraph (3), by inserting ''regional offices of the Export-Import Bank,'' after ''Retired Executives,''.

SEC. 12. BILATERAL, SUBREGIONAL AND REGIONAL, AND MULTILATERAL AGREEMENTS.

Where applicable, the United States Trade Representative and officials of the Export-Import Bank shall explore opportunities to negotiate bilateral, subregional, and regional agreements that encourage trade and eliminate nontariff barriers to trade between countries, such as negotiating investor friendly double-taxation treaties and investment promotion agreements. United States negotiators in multilateral forum should take into account the objectives of this Act. To the extent any such agreements exist between the United States and an African country, the Trade Representative shall ensure that the agreement is being implemented in a manner that maximizes the positive effects for United States trade, export, and labor interests as well as the economic development of the countries in Africa.

By Mr. GRASSLEY (for himself, Mr. JOHNSON of South Dakota, Mr. BROWN of Ohio, Mrs. GILLIBRAND, Mr. ENZI, Mr. NELSON of Nebraska, and Mr. HARKIN):

S. 2217. A bill to amend the Food Security Act of 1985 to restore integrity to and strengthen payment limitation rules for commodity payments and benefits; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. GRASSLEY. Mr. President, today I am introducing the Rural America Preservation Act of 2012. I appreciate Senators JOHNSON of South Dakota, ENZI, BROWN of Ohio, GILLIBRAND, HARKIN, and NELSON of Nebraska for joining on this bill, and in this effort.

As the Senate Agriculture Committee continues working on the next Farm Bill, one thing seems to be clear. The title one safety-net is going to look quite different than current programs. It appears the direct payment program may be done away with entirely. Some of my colleagues and agriculture groups have proposed a variety of new ideas as possible replacements to the current commodity title.

No matter what commodity program we create, my bill sets the marker on payment limitations. I introduced a similar payment limits bill last year, but this bill should better address whatever type of safety-net program we adopt going forward. The premise remains the same. We need firm payment limit. We need to close loopholes.

I support having a safety-net for farmers. This nation enjoys a safe and abundant food supply. Certainly a lot of that can be attributed to the ingenuity and hard work of the American farmer. But the farm safety-net helps small and medium-size farmers get through tough times that are out of their control.

We need an effective safety-net to assist farmers. But equally important is for Congress to develop a defensible safety-net. I will continue to work with my Agriculture committee colleagues to figure out what type of program will be most effective.

But we already know the steps that need to be taken to make it more defensible. Defensible means setting firm caps on the farm payments any one farmer can receive. The current approach does not have any overall cap. There is nothing wrong with farmers growing their operations. But big farmers shouldn't be using taxpayer dollars

to get even bigger. When the largest 10 percent of farmers receive 70 percent of farm payments, something is wrong. There comes a point where some farms reach levels that allow them to weather the tough financial times on their own. Smaller farms do not have the same luxury, but they play a pivotal role in producing this nation's food.

If you want to witness how farm payments to big farmers creates a barrier for small and beginning farmers, look at land prices. The current system puts upward pressure on land prices making it more difficult for small and beginning farmers to buy ground. This is not unique to Iowa. This upward pressure on land prices is occurring in many other states.

This bill proposes an overall cap of $250,000 for a married couple. In my State, many people would say this is still too high. But I recognize that agriculture can look different around the country, and so this is a compromise. Strong payment limits will ensure farm payments are helping those who payments were originally created for, the small and medium-size farmers.

Having an overall cap is more defensible from a Federal budget standpoint as well. This Nation needs to make tough decisions regarding all government programs. We need to find savings across the board. Setting strict caps on all commodity programs should be a no-brainer as we look to find savings and increase accountability in farm programs. Having a defensible safety-net also means closing loopholes in the current law.

For all the rhetoric that comes out of Washington, D.C. about eliminating fraud, waste, and abuse, making sure non-farmers don't game the system is a common sense step to take. It's simple, if you are not a farmer, you shouldn't get a farm payment. The bill I introduced last year, and this bill, has language that closes the loopholes.

After I introduced the bill last year, we received some questions regarding the language from two camps of people. The first camp of people I would say were critical because they don't want the loopholes closed. They would have us turn a blind eye to the fact people game the system. They would have us turn a blind eye to the fact we have nonfarmers who claim to help ''manage'' the farm by participating in one or two conference calls a year. To those people, I cannot satisfy your concerns. I will not turn a blind eye to abuses. These are loopholes that need to be closed.

To the other camp of people, who have provided constructive feedback, I would say, we have listened. The revisions we made addressed the issues raised. We have improved the language closing the loopholes. This bill provides a tangible, workable, and fair approach. Closing these loopholes is the right thing to do for the American taxpayer. It is the right thing to do for the American farmer.

Hard caps on farm payments and closing loopholes should be supported by anyone who wants an effective and defensible farm safety-net. As the Senate Agriculture Committee heads toward a mark-up of the Farm Bill, I invite my Senate colleagues to join me in supporting this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2217

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 ''Rural America Preservation Act of 2012''.

SEC. 2. PAYMENT LIMITATIONS.

Section 1001 of the Food Security of 1985 (7 U.S.C. 1308) is amended—

(1) in subsection (a), by striking paragraph (3) and inserting the following:

''(3) LEGAL ENTITY.—

''(A) IN GENERAL.—The term 'legal entity' means—

''(i) an organization that (subject to the requirements of this section and section 1001A) is eligible to receive a payment under a provision of law referred to in subsection (b), (c), or (d);

''(ii) a corporation, joint stock company, association, limited partnership, limited liability company, limited liability partnership, charitable organization, estate, irrevocable trust, grantor of a revocable trust, or other similar entity (as determined by the Secretary); and

''(iii) an organization that is participating in a farming operation as a partner in a general partnership or as a participant in a joint venture.

''(B) EXCLUSION.—The term 'legal entity' does not include a general partnership or joint venture.'';

(2) by striking subsections (b) through (d) and inserting the following:

''(b) LIMITATION ON PAYMENTS FOR COVERED COMMODITIES.—The total amount of payments received, directly or indirectly, by a person or legal entity for any crop year for 1 or more covered commodities (except for peanuts) under title I of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8701 et seq.) (or a successor provision) may not exceed $125,000, of which—

''(1) not more than $75,000 may consist of marketing loan gains and loan deficiency payments under subtitle B or C of title I of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8731 et seq.) (or a successor provision); and

''(2) not more than $50,000 may consist of any other payments made for covered commodities under title I of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8702 et seq.) (or a successor provision).

''(c) LIMITATION ON PAYMENTS FOR PEANUTS.—The total amount of payments received, directly or indirectly, by a person or legal entity for any crop year for peanuts under title I of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8701 et seq.) (or a successor provision) may not exceed $125,000, of which—

''(1) not more than $75,000 may consist of marketing loan gains and loan deficiency payments under subtitle B or C of title I of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8731 et seq.) (or a successor provision); and

''(2) not more than $50,000 may consist of any other payments made for peanuts under title I of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8702 et seq.) (or a successor provision).

''(d) SPOUSAL EQUITY.—

''(1) IN GENERAL.—Notwithstanding subsections (b) and (c), except as provided in paragraph (2), if a person and the spouse of the person are covered by paragraph (2) and receive, directly or indirectly, any payment or gain covered by this section, the total amount of payments or gains (as applicable) covered by this section that the person and spouse may jointly receive during any crop year may not exceed an amount equal to twice the applicable dollar amounts specified in subsections (b) and (c).

''(2) EXCEPTIONS.—

''(A) SEPARATE FARMING OPERATIONS.—In the case of a married couple in which each spouse, before the marriage, was separately engaged in an unrelated farming operation, each spouse shall be treated as a separate person with respect to a farming operation brought into the marriage by a spouse, subject to the condition that the farming operation shall remain a separate farming operation, as determined by the Secretary.

''(B) ELECTION TO RECEIVE SEPARATE PAYMENTS.—A married couple may elect to receive payments separately in the name of each spouse if the total amount of payments and benefits described in subsections (b) and (c) that the married couple receives, directly or indirectly, does not exceed an amount equal to twice the applicable dollar amounts specified in those subsections.'';

(3) in paragraph (3)(B) of subsection (f), by adding at the end the following:

''(iii) IRREVOCABLE TRUSTS.—In promulgating regulations to define the term 'legal entity' as the term applies to irrevocable trusts, the Secretary shall ensure that irrevocable trusts are legitimate entities that have not been created for the purpose of avoiding a payment limitation.''; and

(4) in subsection (h), in the second sentence, by striking ''or other entity'' and inserting ''or legal entity''.

SEC. 3. SUBSTANTIVE CHANGE; PAYMENTS LIMITED TO ACTIVE FARMERS.

The Food Security Act of 1985 is amended by striking section 1001A (7 U.S.C. 1308–1) and inserting the following:

''SEC. 1001A. SUBSTANTIVE CHANGE; PAYMENTS LIMITED TO ACTIVE FARMERS.

''(a) SUBSTANTIVE CHANGE.—

''(1) IN GENERAL.—For purposes of the application of limitations under this section, the Secretary shall not approve any change in a farming operation that otherwise would increase the number of persons or legal entities to which the limitations under this section apply, unless the Secretary determines that the change is bona fide and substantive.

''(2) SEPARATE EQUIPMENT AND LABOR.—For the purpose of paragraph (1), any division of a farming operation into 2 or more units under which the equipment and labor are not substantially separate shall not be considered bona fide and substantive.

''(3) FAMILY MEMBERS.—For the purpose of paragraph (1), the addition of a family member to a farming operation under the criteria established under subsection (b)(3)(B) shall be considered to be a bona fide and substantive change in the farming operation.

''(4) PRIMARY CONTROL.—To prevent a farming operation from reorganizing in a manner that is inconsistent with the purposes of this Act, the Secretary shall promulgate such regulations as the Secretary determines to be necessary to simultaneously attribute payments for a farming operation to more than 1 person or legal entity, including the person or legal entity that exercises primary control over the farming operation, including to respond to—

''(A)(i) any instance in which ownership of a farming operation is transferred to a person or legal entity under an arrangement that provides for the sale or exchange of any asset or ownership interest in 1 or more legal entities at less than fair market value; and

''(ii) the transferor is provided preferential rights to repurchase the asset or interest at less than fair market value; or

''(B) a sale or exchange of any asset or ownership interest in 1 or more legal entities under an arrangement under which rights to exercise control over the asset or interest are retained, directly or indirectly, by the transferor.

''(b) PAYMENTS LIMITED TO ACTIVE FARMERS.—

''(1) IN GENERAL.—To be eligible to receive, directly or indirectly, payments or benefits described as being subject to limitation in subsection (b) or (c) of section 1001 with respect to a particular farming operation, a person or legal entity shall be actively engaged in farming with respect to the farming operation, in accordance with paragraphs (2), (3), and (4).

''(2) GENERAL CLASSES ACTIVELY ENGAGED IN FARMING.—

''(A) DEFINITION OF ACTIVE PERSONAL MANAGEMENT.—In this paragraph, the term 'active personal management' means, with respect to a person, management duties carried out by the person for a farming operation that are personally provided by the person on a regular, continuous, and substantial basis, including the supervision and direction of—

''(i) activities and labor involved in the farming operation; and

''(ii) onsite services directly related and necessary to the farming operation.

''(B) ACTIVE ENGAGEMENT.—Except as provided in paragraph (3), for purposes of paragraph (1), the following shall apply:

''(i) A person shall be considered to be actively engaged in farming with respect to a farming operation if—

''(I) the person makes a significant contribution, as determined under subparagraph (E) (based on the total value of the farming operation), to the farming operation of—

''(aa) capital, equipment, or land; and

''(bb) personal labor or active personal management;

''(II) the share of the profits or losses of the person from the farming operation is commensurate with the contributions of the person to the operation; and

''(III) a contribution of the person is at risk.

''(ii) A legal entity shall be considered to be actively engaged in farming with respect to a farming operation if—

''(I) the legal entity makes a significant contribution, as determined under subparagraph (E) (based on the total value of the farming operation), to the farming operation of capital, equipment, or land;

''(II)(aa) the stockholders or members that collectively own at least 51 percent of the combined beneficial interest in the legal entity each make a significant contribution of personal labor or active personal management to the operation; or

''(bb) in the case of a legal entity in which all of the beneficial interests are held by family members, any stockholder or member (or household comprised of a stockholder or member and the spouse of the stockholder or member) who owns at least 10 percent of the beneficial interest in the legal entity makes a significant contribution of personal labor or active personal management; and

''(III) the legal entity meets the requirements of subclauses (II) and (III) of clause (i).

''(C) CERTAIN ENTITIES MAKING SIGNIFICANT CONTRIBUTIONS.—If a general partnership, joint venture, or similar entity (as determined by the Secretary) separately makes a significant contribution (based on the total value of the farming operation involved) of capital, equipment, or land, the partners or members making a significant contribution of personal labor or active personal management and meeting the standards provided in subclauses (II) and (III) of subparagraph (B)(i) shall be considered to be actively engaged in farming with respect to the farming operation involved.

''(D) EQUIPMENT AND PERSONAL LABOR.—In making determinations under this subsection regarding equipment and personal labor, the Secretary shall take into consideration the equipment and personal labor normally and customarily provided by farm operators in the area involved to produce program crops.

''(E) SIGNIFICANT CONTRIBUTION OF PERSONAL LABOR OR ACTIVE PERSONAL MANAGEMENT.—

''(i) IN GENERAL.—Subject to clause (ii), for purposes of subparagraph (B), a person shall be considered to be providing, on behalf of the person or a legal entity, a significant contribution of personal labor or active personal management, if the total contribution of personal labor and active personal management is at least equal to the lesser of—

''(I) 1,000 hours; or

''(II) a period of time equal to—

''(aa) 50 percent of the commensurate share of the total number of hours of personal labor or active personal management required to conduct the farming operation; or

''(bb) in the case of a stockholder or member (or household comprised of a stockholder or member and the spouse of the stockholder or member) that owns at least 10 percent of the beneficial interest in a legal entity in which all of the beneficial interests are held by family members who do not collectively receive payments directly or indirectly, including payments received by spouses, of more than twice the applicable limit, 50 percent of the commensurate share of hours of the personal labor or active personal management of all family members required to conduct the farming operation.

''(ii) MINIMUM LABOR HOURS.—For the purpose of clause (i), the minimum number of labor hours required to produce a commodity shall be equal to the number of hours that would be necessary to conduct a farming operation for the production of each commodity that is comparable in size to the commensurate share of a person or legal entity in the farming operation for the production of the commodity, based on the minimum number of hours per acre required to produce the commodity in the State in which the farming operation is located, as determined by the Secretary.

''(3) SPECIAL CLASSES ACTIVELY ENGAGED IN FARMING.—Notwithstanding paragraph (2), the following persons shall be considered to be actively engaged in farming with respect to a farm operation:

''(A) LANDOWNERS.—A person or legal entity that is a landowner contributing owned land, and that meets the requirements of subclauses (II) and (III) of paragraph (2)(B)(i), if, as determined by the Secretary—

''(i) the landowner share-rents the land at a rate that is usual and customary; and

''(ii) the share received by the landowner is commensurate with the share of the crop or income received as rent.

''(B) FAMILY MEMBERS.—With respect to a farming operation conducted by persons who are family members, or a legal entity the majority of the stockholders or members of which are family members, an adult family member who makes a significant contribution (based on the total value of the farming operation) of active personal management or personal labor and, with respect to such contribution, who meets the requirements of subclauses (II) and (III) of paragraph (2)(B)(i).

''(C) SHARECROPPERS.—A sharecropper who makes a significant contribution of personal labor to the farming operation and, with respect to such contribution, who meets the requirements of subclauses (II) and (III) of paragraph (2)(B)(i), and who was receiving payments from the landowner as a sharecropper prior to the effective date of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 1651).

''(D) FARM MANAGERS.—A person who otherwise meets the requirements of this subsection other than paragraph (2)(E) if—

''(i) the individual—

''(I)(aa) provides more than 50 percent of the commensurate share of the total number of hours of active personal management required to conduct the farming operation; and

''(bb) is, with respect to the commensurate share of the individual, the only party who is providing active personal management and who is at risk, other than a landlord, if any, described in subparagraph (A); or

''(II)(aa) is the only individual qualifying the farming operation (including a sole proprietorship, legal entity, general partnership, or joint venture) as actively engaged in farming; and

''(bb) qualifies only a single sole proprietorship, legal entity, general partnership, or joint venture as actively engaged in farming;

''(ii) the individual does not provide active personal management to meet the requirements of this subsection for persons or legal entities that collectively receive, directly or indirectly, an amount equal to more than the applicable limits under subsections (b), (c), and (d) of section 1001; and

''(iii) the individual manages a farm operation that is not jointly managed with persons or legal entities that collectively receive, directly or indirectly, an amount equal to more than the applicable limits under subsections (b), (c), and (d) of section 1001.

''(4) PERSONS AND LEGAL ENTITIES NOT ACTIVELY ENGAGED IN FARMING.—For the purposes of paragraph (1), except as provided in paragraph (3), the following persons and legal entities shall not be considered to be actively engaged in farming with respect to a farm operation:

''(A) LANDLORDS.—A landlord contributing land to the farming operation if the landlord receives cash rent, or a crop share guaranteed as to the amount of the commodity to be paid in rent, for such use of the land.

''(B) OTHER PERSONS AND LEGAL ENTITIES.—Any other person or legal entity, or class of persons or legal entities, that fails to meet the requirements of paragraphs (2) and (3), as determined by the Secretary.

''(5) PERSONAL LABOR OR ACTIVE PERSONAL MANAGEMENT.—No stockholder or other member of a legal entity or person may provide personal labor or active personal management to meet the requirements of this subsection for persons or legal entities that collectively receive, directly or indirectly, an amount equal to—

''(A) more than the applicable limits under subsections (b) and (c) of section 1001; or

''(B) in the case of a stockholder or member in conjunction with the spouse of the stockholder or member, more than the applicable limits described in subparagraph (A).

''(6) CUSTOM FARMING SERVICES.—A person or legal entity receiving custom farming services will be considered separately eligible for payment limitation purposes if the person or legal entity is actively engaged in farming based on paragraphs (1) through (3).

''(7) GROWERS OF HYBRID SEED.—To determine whether a person or legal entity growing hybrid seed under contract shall be considered to be actively engaged in farming, the Secretary shall not take into consideration the existence of a hybrid seed contract.

''(c) NOTIFICATION BY LEGAL ENTITIES.—To facilitate the administration of this section, each legal entity that receives payments or benefits described as being subject to limitation in subsection (b) or (c) of section 1001 with respect to a particular farming operation shall—

''(1) notify each person or other legal entity that acquires or holds a beneficial interest in the farming operation of the requirements and limitations under this section; and

''(2) provide to the Secretary, at such times and in such manner as the Secretary may require, the name and social security number of each person, or the name and taxpayer identification number of each legal entity, that holds or acquires such a beneficial interest.''.

SEC. 4. FOREIGN PERSONS AND LEGAL ENTITIES MADE INELIGIBLE FOR PROGRAM BENEFITS.

Section 1001C of the Food Security Act of 1985 (7 U.S.C. 1308–3) is amended—

(1) in the section heading, by striking ''**PERSONS**'' and inserting ''**PERSONS AND LEGAL ENTITIES**'';

(2) in subsection (b)—

(A) in the subsection heading, by striking ''CORPORATION OR OTHER'' and inserting ''LEGAL'';

(B) in the first sentence, by striking ''a corporation or other entity shall be considered a person that'' and inserting ''a legal entity''; and

(C) in the second sentence, by striking ''an entity'' and inserting ''a legal entity''; and

(3) in subsection (c), by striking ''person'' and inserting ''legal entity or person''.

SEC. 5. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, Mr. MCCAIN, and Mr. BROWN of Massachusetts):

S. 2218. A bill to reauthorize the United States Fire Administration, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, as a cochair of the Congressional Fire Caucus, I am pleased to join Senator Lieberman in introducing legislation to reauthorize the U.S. Fire Administration. We appreciate Senators MCCAIN, CARPER and SCOTT BROWN becoming cosponsors of this bill. The Congressional Fire Services Institute, the International Association of Fire Fighters, the International Association of Fire Chiefs, and the National Volunteer Fire Council back this measure. I am proud to have their support.

Reauthorization of the U.S. Fire Administration means that first responders around the country will get the essential training, education, and research they need to help prevent fire-related deaths and protect their communities from disasters of all kinds—man-made and natural.

Since its creation in 1974, the Fire Administration and its Fire Academy have helped prevent fires, protect property, and save lives among firefighters and the public. Today, the Fire Administration is also integrated into our national, all-hazards preparations against natural disasters and terrorist attacks.

America's firefighters play a vital role in the security of our nation and it is important that, as a nation and a Congress, we support them. We can do so by reauthorizing the United States Fire Administration. Whether it is in response to a terrorist attack, a wildland fire, or a house fire the community, America has come to rely on firefighters. America's firefighters—whether career or volunteer—always answer the call.

In a report released in September, the United States Fire Administration found that, over the past 10 years, the overall number of fires reported in the United States has declined by 18 percent. During this same time period, there was also a 20 percent decline in civilian deaths and a 22 percent drop in civilian injuries. We can be proud of this progress.

According to the report, however, ''although America's fire death rate is improving, it continues to be higher than more than half of the industrialized countries of the world.'' Sadly, during this same time period, there has been an average of 3,570 deaths and nearly 18,300 injuries per year. The Fire Administration must work tirelessly to improve these statistics, which represent loss and pain to American families.

We must also continue to educate and train current and future generations of firefighters. The USFA plays an important role in the professional development of fire services personnel through the National Fire Academy, by providing courses in Fire Prevention Management, Hazardous Materials, Incident Management, and Arson, as well as many other critical courses.

My home State of Maine is keenly aware of the dangers of fire and the importance of effective fire services. According to the Maine Department of Public Safety, nearly 50 Mainers died in fires every year through the 1950s, '60s, and '70s. The average for the past decade is 17 per year, and 2011 sadly produced 23 fire-related deaths, up from only nine in 2010—both are too many.

With the continued work of the U.S. Fire Administration and the valiant efforts of our brave fire services personnel, I believe we can make further progress in lowering the number of fire related deaths in our nation.

I ask that my colleagues support this legislation.

By Mr. WHITEHOUSE (for himself, Mr. FRANKEN, Mr. SCHUMER, Mr. BENNET, Mr. MERKLEY, Mrs. SHAHEEN, Mr. UDALL of New Mexico, Mr. WYDEN, Mr. SANDERS, Mr. BEGICH, Mrs. MURRAY, Mr. MENENDEZ, Mr. LEVIN, Mr. KERRY, Mr. BINGAMAN, Mrs. BOXER, Mr. HARKIN, Mr. LEAHY, Ms. STABENOW, Mr. ROCKEFELLER, Mrs. GILLIBRAND, Mr. REED, Mr. BLUMENTHAL, Mr. DURBIN, Ms. KLOBUCHAR, Mr. COONS, Mr. CARDIN, Mr. UDALL of Colorado, Mr. BROWN of Ohio, Mr. WEBB, Mr. CONRAD, Mrs. MCCASKILL, Mr. CASEY, Mr. AKAKA, Mr. LAUTENBERG, Mrs. FEINSTEIN, and Ms. LANDRIEU):

S. 2219. A bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, Super PACs and other entities, and for other purposes; to the Committee on Rules and Administration.

Mr. WHITEHOUSE. Mr. President, I am here today to introduce the DISCLOSE Act of 2012, and we are informally closing DISCLOSE 2.0 in recognition of the original bill that Senator SCHUMER worked so hard to get passed a few years ago.

The Supreme Court's 2010 decision in Citizens United v. Federal Election Commission opened the floodgates to unlimited corporate and special interest money in elections, bringing about an era where corporations and other wealthy interests can drown out the voices of voters in our political system.

Worse still, much of this spending is anonymous so the public does not even know who is spending millions to influence our elections. Here is how my home State newspaper, the Providence Journal, explained the Citizens United decision:

> The ruling will mean that, more than ever, big-spending economic interests will determine who gets elected. More money will especially pour into relentless attack campaigns. Free speech for most individuals will suffer because their voices will count for even less than they do now. They will simply be drowned out by the big money.

I think events have proven the Providence Journal correct. Senator JOHN MCCAIN recently described these events. He said:

> I predicted when the United States Supreme Court, with their absolute ignorance of what happens in politics, struck down [the McCain-Feingold campaign finance law], that there would be a flood of money into campaigns, not transparency, unaccounted for, and this is exactly what is happening.

If we look at the 2006 and 2010 congressional elections where there was not a Presidential race going on after Citizens United in 2010, there was a fourfold increase in expenditures from super PACs and other outside groups compared to what occurred in 2006, with nearly three-quarters of that political advertising coming from sources that were prohibited from spending money in 2006—three-quarters of it.

Also, in 2010, those 501(c)(4) and (c)(6) organizations spent more than $135 million in unlimited and secret contributions. Anonymous spending rose

from 1 percent of outside spending in 2006 to 47 percent of outside spending in 2010. Nearly half of the money spent through these outside organizations is anonymous and secret.

If we look at the 2012 race that we are in right now, a Presidential race, and compare it to the last Presidential race, we are already seeing similar ominous signs about the influence of money. The Federal Election Commission predicts that over $11 billion will be spent on the 2012 elections, about double what was spent in 2008.

Super PACs, mostly linked to individual candidates, spent about $100 million through the Super Tuesday contest in the Republican Presidential primary, again, about twice what was spent over the same period in 2008. In the two weeks leading up to Super Tuesday, outside PACs that supported the Republican Presidential candidates spent three times as much as the candidates themselves.

Our campaign finance system is broken. Immediate action is required to fix it. Americans of all political stripes, whatever their persuasion, are disgusted by the influence of unlimited anonymous corporate cash in our elections and by campaigns that succeed or fail depending on how many billionaires the candidates have in their pockets.

Editorial boards across the country decry this new pollution of our politics. Republicans, such as former Governors Mike Huckabee and Tom Ridge, have concluded that super PACs are, in Mr. Huckabee's words, ''one of the worst things that ever happened in American politics.''

Seven in ten Americans, including a majority of both Republicans and Democrats, believe super PACS should be illegal. Countless Rhode Islanders are fed up with the influence of corporate money in elections. I hear them at my community dinners; I read their mail. Charles in Little Compton wrote to me,

> [I]t is wrong that someone who shouts louder or further, in this instance solely because they have more money, should drown out another person . . . [C]orporations have no problem getting their views aired.

Hope-Whitney in Bristol wrote,

> [J]ust the idea that a corporation is considered an individual in regards to politics goes against everything American to me. . . . [T]hey have become the Emperors as they have the financial ability to be heard everywhere. . . . I'd be willing to bet that a majority of their own employees do not agree with their political representation.

Elizabeth in Wakefield wrote:

> Big business should not control our elections. It is bad enough that they deeply influence our politicians through lobbyists.

But because of a 5-to-4 decision by the conservative Justices in Citizens United, Congress cannot prohibit super PACs from drowning out the voices of ordinary Americans in our elections. That leaves us with one weapon left in the fight against the overwhelming tidal wave of money from special interests. That weapon is disclosure, daylight, information.

Today, along with 34 other Senators, I am introducing legislation that will shine a bright light on these powerful shadowy interests. With this legislation, every citizen will know who is spending these great sums of money to get their candidate elected. I am delivering this speech at a time that Senator BENNET, the distinguished junior Senator from Colorado is presiding. I am very conscious and aware as I deliver it of the immense amount of work that he has put in in the process of preparing this legislation, working on a strategy for going forward, working with our leadership to commence that strategy.

I am grateful to him and the other Senators I will mention later. For now I will give the Presiding Officer the lead. In 2010, under Senator SCHUMER's leadership and guidance, we came within one vote of passing his original DISCLOSE Act. Since then, the problem of anonymous and unaccountable corporate money has become dramatically worse, and Americans are losing faith in our political system as a result.

More and more people believe their government responds only to wealthy and powerful corporate interests. As they see their jobs disappear and their wages stagnate, and bailouts and special deals for the big guys, they lose faith that their elected officials are listening to them. For our democracy to remain strong, this trend cannot continue. We must redouble our efforts and pass the DISCLOSE Act of 2012.

The bill we are introducing today has been trimmed down so it just does two simple things: One, if you are an organization such as a corporation, a super PAC or a 401(c)(4) group spending money in an election campaign in support of or in opposition to a candidate, you have to tell the public where that money came from and what you are spending it on in a timely manner. That should not be a controversial idea to anyone, at least to anyone who is not seeking special influence.

If you are a top executive or a major donor of an organization spending millions of dollars on campaign ads, you have to take responsibility for those ads by having your name on the ad, and in the case of an executive appearing in the ad yourself. That is it. Two simple provisions. Disclosure and a disclaimer. These are reasonable provisions that should have wide support from Democrats and Republicans alike.

The DISCLOSE Act of 2012, the DISCLOSE 2.0 Act, trims down the original DISCLOSE Act in another way. We have raised the threshold for donations that require disclosure from $600 to $10,000. It may sound as though $10,000 is a ridiculously high threshold, as though that is an awful lot of money, but when we look at what is happening in these super PACs, $10,000 in this particular world is no big deal.

Ninety-three percent of money raised by super PACs in 2010 and 2011 that can be traced to specific donors came in contributions of $10,000 or more. So we will catch probably 93 percent of the money in this reporting provision, while leaving smaller donations and dues payments to membership organizations private.

The act also does not require the disclosure of nonpolitical donations, affiliate transfers, business investments, and other transfers of money that have nothing to do with electioneering.

At the same time, however, the bill also contains strong provisions to prevent the use of dummy organizations or shell corporations to hide their donations from public view. The way this bill is drafted, if somebody sets up a phony organization to take a contribution and, in turn, make that contribution to another phony organization and, in turn, make that contribution to another phony organization, before it finally lands in a super PAC that is benefiting a candidate, we will be able to trace that series of transactions.

So it is a good law, a simpler law, an effective law. It only goes after high-dollar givers. Passing it would prove to the American people that Congress is committed to fairness, that we are committed to equality, and that we are committed to the fundamental principle of a government ''of the people, by the people, and for the people.''

In closing, I thank Senator SCHUMER for his exemplary leadership and determination on this vitally important issue, as well as Senators MICHAEL BENNET, AL FRANKEN, JEFF MERKLEY, JEANNE SHAHEEN, and TOM UDALL, all of whom have worked very closely on this legislation. I also thank the act's other cosponsors—all 35—who, similar to myself, understand that the legitimacy of our democratic process and the integrity of our democratic elections are at stake.

I look forward to working with any of my colleagues in the Senate who believe the voices of American citizens should be defended, and I hope all will join me in supporting this critical piece of legislation to restore integrity to our elections.

Mr. LEAHY. Mr. President, today, I join with Senator WHITEHOUSE, Senator SCHUMER and many other Senate Democrats as we renew our efforts to curtail some of the worst abuses now allowed because of the Supreme Court's decision in Citizens United. The Democracy Is Strengthened by Casting Light On Spending in Elections, DISCLOSE, Act of 2012 will help to restore transparency in the campaign finance laws gutted by the narrow, conservative, activist majority of the Supreme Court in Citizens United.

Two years ago, with the stroke of a pen, five Supreme Court justices overturned a century of law designed to protect our elections from corporate spending. They ran roughshod over longstanding precedent to strike down key provisions of our bipartisan campaign finance laws, and ruled that corporations are no longer prohibited from

direct spending in political campaigns. I was troubled at the time and remain troubled today that in that case, the Supreme Court extended to corporations the same First Amendment rights in the political process that are guaranteed by the Constitution to individual Americans.

Corporations are not the same as individual Americans. Corporations do not have the same rights, the same morals or the same interests. Corporations cannot vote in our democracy. They are artificial legal constructs meant to facilitate business. The Founders understood this. Americans across the country have long understood this. A narrow majority on the Supreme Court apparently did not.

When I cosponsored the first DISCLOSE Act after the Supreme Court's decision in 2010, I hoped Republicans would join with Democrats to mitigate the impact of the Citizens United decision. I hoped that Senate Republicans who had once championed the bipartisan McCain-Feingold campaign finance law would work with us to help ensure that corporations could not abuse their newfound constitutional rights.

Regrettably, Senate Republicans filibustered that DISCLOSE Act, preventing the Senate from even debating the measure, let alone having an up-or-down vote in the Senate. By preventing even debate on the DISCLOSE Act, Senate Republicans ensured the ability of wealthy corporations to dominate all mediums of advertising and to drown out the voices of individuals, as we have seen and will continue to see in our elections.

By blocking the DISCLOSE Act, Senate Republicans ensured that the flood of corporate money flowing into campaigns from undisclosed and unaccountable sources since the Citizens United decision would continue. The risks we feared at the time of the decision, the risks that drove Congress to pass bipartisan laws based on longstanding precedent, have been apparent in the elections since. The American people have seen the sudden and dramatic effects in the Republican primary elections this year and in the 2010 mid-term elections. Instead of hearing the voices of voters, we see a barrage of negative advertisements from so-called Super PAC's. This comes as no surprise to the many of us in Congress and around the country who worried at the time of the Citizens United decision that it turns the idea of government of, by and for the people on its head. We worried that the decision created new rights for Wall Street at the expense of the people on Main Street. We worried that powerful corporate megaphones would drown out the voices and interests of individual Americans. It is clear those concerns were justified.

By reintroducing the DISCLOSE Act, we continue to try to fight the effects of corporate influence unleashed by Citizens United. The DISCLOSE Act of 2012 is focused on restoring transparency and accountability to campaign finance laws by ensuring that all Americans know who is paying for campaign ads. This is a critical step toward restoring the ability of American voters to be able to speak, be heard and to hear competing voices, and not be overwhelmed by corporate influence and driven out of the governing process. I hope that Republicans who have seen the impact of waves of unaccountable corporate campaign spending will not renew their obstruction of this important legislation. Even Senator MCCAIN, a lead co-author of the McCain-Feingold Act, has conceded that Super PAC's are ''disgraceful.''

Vermont is a small state. It is easy to imagine the wave of corporate money that has been spent on elections around the country lead to corporate interests flooding the airwaves with election ads, and transforming even local elections there or in other small States. It would not take more than a tiny fraction of corporate money to outspend all of our local candidates combined. If a local city council or zoning board is considering an issue of corporate interest, why would those corporate interests not try to drown out the views of Vermont's hard-working citizens? I know that the people of Vermont, like all Americans, take seriously their civic duty to choose wisely on Election Day. Like all Vermonters, I cherish the voters' role in the democratic process and am a staunch believer in the First Amendment. Vermont refused to ratify the Constitution until the adoption of the Bill of Rights in 1791. The rights of Vermonters and all Americans to speak to each other and to be heard should not be undercut by corporate spending. I hope all Senators, Republican or Democratic, will support the DISCLOSE Act of 2012 and help us take an important step to ensure the ability of every American to be heard and participate in free and fair elections.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 401—EXPRESSING APPRECIATION FOR FOREIGN SERVICE AND CIVIL SERVICE PROFESSIONALS WHO REPRESENT THE UNITED STATES AROUND THE GLOBE

Mr. WHITEHOUSE (for himself and Mr. KERRY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 401

Whereas the United States Foreign Service was established by Congress in 1924 to professionalize the country's diplomatic and consular services and advance freedom, democracy, and security for the benefit of the people of the United States and the international community;

Whereas the United States Agency for International Development was established in 1961 to support the foreign policy goals of the United States through economic, development, and humanitarian assistance;

Whereas the Department of State and the United States Agency for International Development together employ more than 27,000 United States nationals in the Foreign Service and Civil Service dedicated to promoting United States interests around the world;

Whereas Foreign Service personnel deploy to Asia, Africa, the Americas, Australia, Europe, the Middle East, and Southeast Asia on a permanent, rotating basis to defend and promote United States priorities abroad;

Whereas many Foreign Service employees spend months or years away from families and loved ones on assignment to dangerous or inhospitable posts where family members are not permitted;

Whereas numerous Department of State and United States Agency for International Development employees have lost their lives while serving abroad;

Whereas strong and purposeful United States diplomacy and development, carried out by a diverse, professionally educated, and well-trained force of Foreign Service and Civil Service professionals, are the most cost-effective means to protect and advance United States interests abroad;

Whereas the promotion of commercial engagement by United States businesses in foreign markets and targeted international development projects support economic prosperity, job creation, and opportunities for United States business and industry;

Whereas United States diplomats are often the first line of defense against international conflict and transnational security threats;

Whereas Foreign Service and Civil Service professionals have worked to support the members of the United States Armed Forces involved in critical national security missions and military engagements in dangerous and unstable regions;

Whereas Foreign Service and Civil Service professionals administer emergency assistance in crisis situations; and

Whereas the contributions of Foreign Service and Civil Service professionals to the global advancement of international understanding, American ideals, and the promotion of freedom and democracy around the world should be commended: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and gives special appreciation to the Foreign Service and Civil Service personnel of the Department of State, the United States Agency for International Development, and other United States Government agencies that promote and protect United State priorities abroad; and

(2) owes a debt of gratitude to these individuals, and their families, who put public service and pride in their country ahead of comfort, convenience, and even safety in service to the United States and the global community.

SENATE RESOLUTION 402—CONDEMNING JOSEPH KONY AND THE LORD'S RESISTANCE ARMY FOR COMMITTING CRIMES AGAINST HUMANITY AND MASS ATROCITIES, AND SUPPORTING ONGOING EFFORTS BY THE UNITED STATES GOVERNMENT AND GOVERNMENTS IN CENTRAL AFRICA TO REMOVE JOSEPH KONY AND LORD'S RESISTANCE ARMY COMMANDERS FROM THE BATTLEFIELD

Mr. COONS (for himself, Mr. INHOFE, Mr. LIEBERMAN, Mr. MENENDEZ, Mr. HATCH, Mr. DURBIN, Mr. LEAHY, Mr. SCHUMER, Mr. AKAKA, Mrs. MURRAY,

Mr. WHITEHOUSE, Mr. TESTER, Mr. NELSON of Nebraska, Mr. FRANKEN, Ms. LANDRIEU, Mr. REED of Rhode Island, Mr. MORAN, Mr. GRAHAM, Mr. LEVIN, Ms. COLLINS, Mr. ISAKSON, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. BEGICH, Mrs. BOXER, Mr. WICKER, Mr. BROWN of Ohio, Mr. LAUTENBERG, Mr. MERKLEY, Mr. COATS, Mr. CARDIN, Mr. CORNYN, and Mr. BLUNT) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 402

Whereas the Lord's Resistance Army (LRA) wreaked havoc in northern Uganda for two decades, during which time the World Bank estimates that they abducted some 66,000 youth of all ages and sexes and forced them to serve as child soldiers and sex slaves and commit terrible acts;

Whereas, under increasing pressure, Joseph Kony ordered the Lord's Resistance Army in 2005 and 2006 to withdraw from Uganda and to move west into the border region of the Democratic Republic of the Congo, the Central African Republic, and what would become South Sudan;

Whereas, since September 2008, Joseph Kony has directed the Lord's Resistance Army to commit systematic, large-scale attacks against innocent civilians in the Democratic Republic of Congo, the Central African Republic, and the Republic of South Sudan that have destabilized the region and resulted in the deliberate killing of at least 2,400 civilians from the Democratic Republic of Congo, the Central African Republic, and the Republic of South Sudan, many of whom were targeted in schools and churches; the rape and brutal mutilation of an unknown number of men, women, and children; the abduction of over 3,400 civilians, including at least 1,500 children, many of them forced to become child soldiers or sex slaves; and the displacement of more than 465,000 civilians from their homes, many of whom do not have access to essential humanitarian assistance;

Whereas insecurity caused by the Lord's Resistance Army has undermined efforts by the governments in the region, with the assistance of the United States and the international community, to consolidate peace and stability in each of the countries affected, particularly the Democratic Republic of Congo and the Republic of South Sudan;

Whereas, since December 2001, the Department of State has included the Lord's Resistance Army on its ''Terrorist Exclusion List'' and in August 2008, Lord's Resistance Army leader Joseph Kony was designated a ''Specially Designated Global Terrorist'' by President George W. Bush pursuant to Executive Order 13224;

Whereas, on October 6, 2005, the International Criminal Court issued arrest warrants against Joseph Kony and four of his top commanders for war crimes and crimes against humanity, yet they remain at large;

Whereas, in May 2010, Congress passed and President Barack Obama signed into law the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 (Public Law 111–172), which made it the policy of the United States to work with regional governments toward a comprehensive and lasting resolution to the conflict in northern Uganda and other affected areas by providing political, economic, military, and intelligence support for viable multilateral efforts to protect civilians from the Lord's Resistance Army, to apprehend or remove Joseph Kony and his top commanders from the battlefield, and to disarm and demobilize the remaining Lord's Resistance Army fighters;

Whereas, on November 24, 2010, as mandated by the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009, President Obama issued the Strategy to Support the Disarmament of the Lord's Resistance Army, which provides a comprehensive strategy for supporting regional efforts to mitigate and eliminate the threat to civilians and regional stability posed by the Lord's Resistance Army;

Whereas, on October 14, 2011, President Obama notified Congress that he had authorized approximately 100 combat-equipped members of the Armed Forces to deploy to central Africa to provide assistance to regional forces that are working toward the removal of Joseph Kony and senior leadership of the Lord's Resistance Army from the battlefield;

Whereas the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) authorized the Secretary of Defense, with the concurrence of the Secretary of State, to provide logistic support, supplies, and services for foreign forces participating in operations to mitigate and eliminate the threat of the Lord's Resistance Army;

Whereas the Consolidated Appropriations Act, 2012 (Public Law 112–74) directed the President to support increased peace and security efforts in areas affected by the Lord's Resistance Army, including programs to improve physical access, telecommunications infrastructure, and early-warning mechanisms and to support the disarmament, demobilization, and reintegration of former Lord's Resistance Army combatants, especially child soldiers;

Whereas the United Nations and African Union, acting with encouragement and support from the United States Government, have renewed their efforts to help governments in the region address the threat posed by the Lord's Resistance Army, and on November 22, 2011, the African Union designated the Lord's Resistance Army as a terrorist group and authorized a new initiative to help strengthen the coordination among the affected governments in the fight against the Lord's Resistance Army; and

Whereas targeted United States assistance and leadership can help prevent further mass atrocities and curtail humanitarian suffering in central Africa: Now, therefore, be it

Resolved, That the Senate—

(1) condemns Joseph Kony and the Lord's Resistance Army for committing crimes against humanity and mass atrocities, and supports ongoing efforts by the United States and countries in central Africa to remove Joseph Kony and Lord's Resistance Army commanders from the battlefield;

(2) commends continued efforts by the Governments of Uganda, the Democratic Republic of Congo, the Republic of South Sudan, the Central African Republic, and other counties in the region, as well as the African Union and United Nations, to end the threat posed by the Lord's Resistance Army;

(3) welcomes the ongoing efforts of the United States Government to implement a comprehensive strategy to counter the Lord's Resistance Army, pursuant to the Lord's Resistence Army Disarmament and Northern Uganda Recovery Act of 2009, and to assist governments in the region to bring Joseph Kony to justice and end atrocities perpetuated by the Lord's Resistance Army;

(4) calls on the President to keep Congress fully informed of the efforts of the United States Government and to work closely with Congress to identify and address critical gaps and enhance United States support for the regional effort to counter the Lord's Resistance Army;

(5) commends the Department of Defense, United States Africa Command (U.S. AFRICOM), and members of the United States Armed Forces currently deployed to serve as advisors to the national militaries in the region seeking to protect local communities and pursuing Joseph Kony and top Lord's Resistance Army commanders;

(6) supports continued efforts by the Secretary of State and representatives of the United States to work with partner nations and the international community—

(A) to strengthen the capabilities of regional military forces deployed to protect civilians and pursue commanders of the Lord's Resistance Army;

(B) to enhance cooperation and cross-border coordination among regional governments;

(C) to promote increased contributions from donor nations for regional security and civilian efforts to address the Lord's Resistance Army; and

(D) to enhance overall efforts to increase civilian protection and provide assistance to populations affected by the Lord's Resistance Army;

(7) calls on the Secretary of State, the Secretary of Defense, the Administrator of the United States Agency for International Development, and the heads of other government agencies to utilize existing funds for ongoing programs—

(A) to enhance mobility, intelligence, and logistical capabilities for partner forces engaged in efforts to protect civilians and apprehend or remove Joseph Kony and his top commanders from the battlefield;

(B) to expand physical access and telecommunications infrastructure to facilitate the timely flow of information and access for humanitarian and protection actors;

(C) to support programs to encourage and help non-indicted Lord's Resistance Army commanders, fighters, abductees, and associated noncombatants to safely defect from the group, including through radio and community programs; and

(D) to rehabilitate children and youth affected by war, which are tailored to address the specific trauma and physical and mental abuse they may face as a result of indoctrination by the Lord's Resistance Army, and serve to reconnect these children and youth with their families and communities;

(8) calls for the President to place restrictions on any individuals or governments found to be providing training, supplies, financing, or support of any kind to Joseph Kony or the Lord's Resistance Army;

(9) urges that civilian protection continue to be prioritized in areas affected by the Lord's Resistance Army and that steps be taken to inform potentially vulnerable communities about known Lord's Resistance Army movements and threats;

(10) welcomes the recent defections of men, women, and children from the ranks of the Lord's Resistance Army, and calls on governments in the region and the international community to continue to support safe return, demobilization, rehabilitation, and reintegration efforts; and

(11) urges the Governments of Uganda, the Democratic Republic of Congo, the Republic of South Sudan, the Republic of Sudan, and the Central African Republic to work together to address the ongoing threat posed by the Lord's Resistance Army.

SENATE RESOLUTION 403—TO AUTHORIZE TESTIMONY, DOCUMENT PRODUCTION, AND LEGAL REPRESENTATION IN UNITED STATES V. RICHARD F. ''DICKIE'' SCRUGGS

Mr. REID of Nevada (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 403

Whereas, in the case of United States vs. Richard F. ''Dickie'' Scruggs, Case No. 3:09–CR–00002–GHD–SAA, pending in the United States District Court for the Northern District of Mississippi, the defense has served a subpoena for testimony on Hugh Gamble, a former employee of Senator Trent Lott, and a subpoena for testimony and document production on Brad Davis, an employee of Senator Thad Cochran;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Hugh Gamble, Brad Davis, and any other employee from whom testimony may be necessary are authorized to testify, and Brad Davis is authorized to produce documents, in the case of United States vs. Richard F. ''Dickie'' Scruggs, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Hugh Gamble, Brad Davis, and any other employee of the Senate from whom evidence may be sought, in connection with the testimony and document production authorized in section one of this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1945. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1945. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the House amendment, add the following:

TITLE II—PUBLIC CORRUPTION PROSECUTION IMPROVEMENTS

SEC. 201. SHORT TITLE.

This title may be cited as the ''Public Corruption Prosecution Improvements Act of 2012''.

SEC. 202. VENUE FOR FEDERAL OFFENSES.

(a) IN GENERAL.—The second undesignated paragraph of section 3237(a) of title 18, United States Code, is amended by adding before the period at the end the following: ''or in any district in which an act in furtherance of the offense is committed''.

(b) SECTION HEADING.—The heading for section 3237 of title 18, United States Code, is amended to read as follows:

''SEC. 3237. OFFENSE TAKING PLACE IN MORE THAN ONE DISTRICT.''.

(c) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 211 of title 18, United States Code, is amended so that the item relating to section 3237 reads as follows:

''Sec. 3237. Offense taking place in more than one district.''.

SEC. 203. THEFT OR BRIBERY CONCERNING PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE.

Section 666(a) of title 18, United States Code, is amended—

(1) by striking ''10 years'' and inserting ''20 years'';

(2) by striking ''$5,000'' the second place and the third place it appears and inserting ''$1,000'';

(3) by striking ''anything of value'' each place it appears and inserting ''any thing or things of value''; and

(4) in paragraph (1)(B), by inserting after ''anything'' the following: ''or things''.

SEC. 204. PENALTY FOR SECTION 641 VIOLATIONS.

Section 641 of title 18, United States Code, is amended by striking ''ten years'' and inserting ''15 years''.

SEC. 205. BRIBERY AND GRAFT; CLARIFICATION OF DEFINITION OF ''OFFICIAL ACT''; CLARIFICATION OF THE CRIME OF ILLEGAL GRATUITIES.

(a) DEFINITION.—Section 201(a) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) by amending paragraph (3) to read as follows:

''(3) the term 'official act'—

''(A) means any act within the range of official duty, and any decision or action on any question, matter, cause, suit, proceeding, or controversy, which may at any time be pending, or which may by law be brought before any public official, in such public official's official capacity or in such official's place of trust or profit; and

''(B) may be a single act, more than one act, or a course of conduct; and''; and

(3) by adding at the end the following:

''(4) the term 'rule or regulation' means a Federal regulation or a rule of the House of Representatives or the Senate, including those rules and regulations governing the acceptance of gifts and campaign contributions.''.

(b) CLARIFICATION.—Section 201(c)(1) of title 18, United States Code, is amended to read as follows:

''(1) otherwise than as provided by law for the proper discharge of official duty, or by rule or regulation—

''(A) directly or indirectly gives, offers, or promises any thing or things of value to any public official, former public official, or person selected to be a public official for or because of any official act performed or to be performed by such public official, former public official, or person selected to be a public official;

''(B) directly or indirectly, knowingly gives, offers, or promises any thing or things of value with an aggregate value of not less than $1000 to any public official, former public official, or person selected to be a public official for or because of the official's or person's official position;

''(C) being a public official, former public official, or person selected to be a public official, directly or indirectly, knowingly demands, seeks, receives, accepts, or agrees to receive or accept any thing or things of value with an aggregate value of not less than $1000 personally for or because of the official's or person's official position; or

''(D) being a public official, former public official, or person selected to be a public official, directly or indirectly demands, seeks, receives, accepts, or agrees to receive or accept any thing or things of value personally for or because of any official act performed or to be performed by such official or person;''.

SEC. 206. AMENDMENT OF THE SENTENCING GUIDELINES RELATING TO CERTAIN CRIMES.

(a) DIRECTIVE TO SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission forthwith shall review and, if appropriate, amend its guidelines and its policy statements applicable to persons convicted of an offense under section 201, 641, 1346A, or 666 of title 18, United States Code, in order to reflect the intent of Congress that such penalties meet the requirements in subsection (b) of this section.

(b) REQUIREMENTS.—In carrying out this subsection, the Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect Congress's intent that the guidelines and policy statements reflect the serious nature of the offenses described in paragraph (1), the incidence of such offenses, and the need for an effective deterrent and appropriate punishment to prevent such offenses;

(2) consider the extent to which the guidelines may or may not appropriately account for—

(A) the potential and actual harm to the public and the amount of any loss resulting from the offense;

(B) the level of sophistication and planning involved in the offense;

(C) whether the offense was committed for purposes of commercial advantage or private financial benefit;

(D) whether the defendant acted with intent to cause either physical or property harm in committing the offense;

(E) the extent to which the offense represented an abuse of trust by the offender and was committed in a manner that undermined public confidence in the Federal, State, or local government; and

(F) whether the violation was intended to or had the effect of creating a threat to public health or safety, injury to any person or even death;

(3) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(4) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(5) make any necessary conforming changes to the sentencing guidelines; and

(6) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

SEC. 207. EXTENSION OF STATUTE OF LIMITATIONS FOR SERIOUS PUBLIC CORRUPTION OFFENSES.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

"§ 3302. Corruption offenses

''Unless an indictment is returned or the information is filed against a person within 6 years after the commission of the offense, a person may not be prosecuted, tried, or punished for a violation of, or a conspiracy or an attempt to violate the offense in—

''(1) section 201 or 666;

''(2) section 1341 or 1343, when charged in conjunction with section 1346 and where the offense involves a scheme or artifice to deprive another of the intangible right of honest services of a public official or when charged in connection with section 1346A;

''(3) section 1951, if the offense involves extortion under color of official right;

''(4) section 1952, to the extent that the unlawful activity involves bribery; or

''(5) section 1962, to the extent that the racketeering activity involves bribery chargeable under State law, involves a violation of section 201 or 666, section 1341 or 1343, when charged in conjunction with section 1346 and where the offense involves a scheme or artifice to deprive another of the intangible right of honest services of a public official, or section 1951, if the offense involves extortion under color of official right.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by adding at the end the following new item:

''3302. Corruption offenses.''.

(c) APPLICATION OF AMENDMENT.—The amendments made by this section shall not apply to any offense committed before the date of enactment of this Act.

SEC. 208. INCREASE OF MAXIMUM PENALTIES FOR CERTAIN PUBLIC CORRUPTION RELATED OFFENSES.

(a) SOLICITATION OF POLITICAL CONTRIBUTIONS.—Section 602(a)(4) of title 18, United States Code, is amended by striking ''3 years'' and inserting ''5 years''.

(b) PROMISE OF EMPLOYMENT FOR POLITICAL ACTIVITY.—Section 600 of title 18, United States Code, is amended by striking ''one year'' and inserting ''3 years''.

(c) DEPRIVATION OF EMPLOYMENT FOR POLITICAL ACTIVITY.—Section 601(a) of title 18, United States Code, is amended by striking ''one year'' and inserting ''3 years''.

(d) INTIMIDATION TO SECURE POLITICAL CONTRIBUTIONS.—Section 606 of title 18, United States Code, is amended by striking ''three years'' and inserting ''5 years''.

(e) SOLICITATION AND ACCEPTANCE OF CONTRIBUTIONS IN FEDERAL OFFICES.—Section 607(a)(2) of title 18, United States Code, is amended by striking ''3 years'' and inserting ''5 years''.

(f) COERCION OF POLITICAL ACTIVITY BY FEDERAL EMPLOYEES.—Section 610 of title 18, United States Code, is amended by striking ''three years'' and inserting ''5 years''.

SEC. 209. ADDITIONAL WIRETAP PREDICATES.

Section 2516(1)(c) of title 18, United States Code, is amended—

(1) by inserting ''section 641 (relating to embezzlement or theft of public money, property, or records), section 666 (relating to theft or bribery concerning programs receiving Federal funds),'' after ''section 224 (bribery in sporting contests),''; and

(2) by inserting ''section 1031 (relating to major fraud against the United States)'' after ''section 1014 (relating to loans and credit applications generally; renewals and discounts),''.

SEC. 210. EXPANDING VENUE FOR PERJURY AND OBSTRUCTION OF JUSTICE PROCEEDINGS.

(a) IN GENERAL.—Section 1512(i) of title 18, United States Code, is amended to read as follows:

''(i) A prosecution under section 1503, 1504, 1505, 1508, 1509, 1510, or this section may be brought in the district in which the conduct constituting the alleged offense occurred or in which the official proceeding (whether or not pending or about to be instituted) was intended to be affected.''.

(b) PERJURY.—

(1) IN GENERAL.—Chapter 79 of title 18, United States Code, is amended by adding at the end the following:

"§ 1624. Venue

''A prosecution under section 1621(1), 1622 (in regard to subornation of perjury under 1621(1)), or 1623 of this title may be brought in the district in which the oath, declaration, certificate, verification, or statement under penalty of perjury is made or in which a proceeding takes place in connection with the oath, declaration, certificate, verification, or statement.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 79 of title 18, United States Code, is amended by adding at the end the following:

''1624. Venue.''.

SEC. 211. PROHIBITION ON UNDISCLOSED SELF-DEALING BY PUBLIC OFFICIALS.

(a) IN GENERAL.—Chapter 63 of title 18, United States Code, is amended by inserting after section 1346 the following new section:

"§ 1346A. Undisclosed self-dealing by public officials

''(a) UNDISCLOSED SELF-DEALING BY PUBLIC OFFICIALS.—For purposes of this chapter, the term 'scheme or artifice to defraud' also includes a scheme or artifice by a public official to engage in undisclosed self-dealing.

''(b) DEFINITIONS.—As used in this section:

''(1) OFFICIAL ACT.—The term official act—

''(A) means any act within the range of official duty, and any decision or action on any question, matter, cause, suit, proceeding, or controversy, which may at any time be pending, or which may by law be brought before any public official, in such public official's official capacity or in such official's place of trust or profit; and

''(B) may be a single act, more than one act, or a course of conduct.

''(2) PUBLIC OFFICIAL.—The term 'public official' means an officer, employee, or elected or appointed representative, or person acting for or on be half of the United States, a State, or a subdivision of a State, or any department, agency or branch of government thereof, in any official function, under or by authority of any such department, agency, or branch of government.

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

''(4) UNDISCLOSED SELF-DEALING.—The term 'undisclosed self-dealing' means that—

''(A) a public official performs an official act for the purpose, in whole or in material part, of furthering or benefitting a financial interest, of which the public official has knowledge, of—

''(i) the public official;

''(ii) the spouse or minor child of the public official;

''(iii) a general business partner of the public official;

''(iv) a business or organization in which the public official is serving as an employee, officer, director, trustee, or general partner;

''(v) an individual, business, or organization with whom the public official is negotiating for, or has any arrangement concerning, prospective employment or financial compensation; or

''(vi) an individual, business, or organization from whom the public official has received any thing or things of value, otherwise than as provided by law for the proper discharge of official duty, or by rule or regulation; and

''(B) the public official knowingly falsifies, conceals, or covers up material information that is required to be disclosed by any Federal, State, or local statute, rule, regulation, or charter applicable to the public official, or knowingly fails to disclose material information in a manner that is required by any Federal, State, or local statute, rule, regulation, or charter applicable to the public official.

''(5) MATERIAL INFORMATION.—The term 'material information' means information—

''(A) regarding a financial interest of a person described in clauses (i) through (iv) paragraph (4)(A); and

''(B) regarding the association, connection, or dealings by a public official with an individual, business, or organization as described in clauses (iii) through (vi) of paragraph (4)(A).''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 63 of title 18, United States Code, is amended by inserting after the item relating to section 1346 the following new item:

''1346A. Undisclosed self-dealing by public officials.''.

(c) APPLICABILITY.—The amendments made by this section apply to acts engaged in on or after the date of the enactment of this Act.

SEC. 212. DISCLOSURE OF INFORMATION IN COMPLAINTS AGAINST JUDGES.

Section 360(a) of title 28, United States Code, is amended—

(1) in paragraph (2) by striking ''or'';

(2) in paragraph (3), by striking the period at the end, and inserting ''; or''; and

(3) by inserting after paragraph (3) the following:

''(4) such disclosure of information regarding a potential criminal offense is made to the Attorney General, a Federal, State, or local grand jury, or a Federal, State, or local law enforcement agency.''.

SEC. 213. CLARIFICATION OF EXEMPTION IN CERTAIN BRIBERY OFFENSES.

Section 666(c) of title 18, United States Code, is amended—

(1) by striking ''This section does not apply to''; and

(2) by inserting ''The term 'any thing or things of value' that is corruptly solicited, demanded, accepted or agreed to be accepted in subsection (a)(1)(B) or corruptly given, offered, or agreed to be given in subsection (a)(2) shall not include,'' before ''bona fide salary''.

SEC. 214. CERTIFICATIONS REGARDING APPEALS BY UNITED STATES.

Section 3731 of title 18, United States Code, is amended by inserting after ''United States attorney'' the following: '', Deputy Attorney General, Assistant Attorney General, or the Attorney General''.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. I would like to announce that the Committee on Indian Affairs will meet on Thursday, March 22, 2012, at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building to conduct legislative hearings on S. 1684, the Indian Tribal Energy Development and Self-Determination Act Amendments

of 2011; S. 1898, A bill to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska; and H.R. 1560, A bill to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirements for membership in that tribe.

Those wishing additional information may contact the Indian Affairs Committee at (202) 224–2251.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, March 29, 2012 at 10 a.m. in SD–430 Dirksen Senate Office Building to conduct a hearing entitled ''FDA User Fee Agreements: Strengthening FDA and the Medical Products Industry for the Benefit of Patients.''

For further information regarding this meeting, please contact the committee on (202) 224–7675.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on March 21, 2012, at 10 a.m.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on March 21, 2012, at 10 a.m. to conduct a hearing entitled ''Retooling Government for the 21st Century: The President's Reorganization Plan and Reducing Duplication.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on March 21, 2012, at 2:30 p.m. to conduct a hearing entitled ''The Homeland Security Department's Budget Submission for Fiscal Year 2013.''

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

COMMITTEE ON THE JUDICIARY

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on March 21, 2012, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Justice for All: Convicting the Guilty and Exonerating the Innocent.''

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on March 21, 2012, in room G–50 of the Senate Dirksen Office Building, beginning at 10 a.m.

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

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY, AND CONSUMER RIGHTS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy, and Consumer Rights, be authorized to meet during the session of the Senate, on March 21, 2012, at 2 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The Verizon/Cable Deals: Harmless Collaboration or a Threat to Competition and Consumers?''

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

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. HARKIN. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on March 21, 2012, at 10 a.m.

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. HARKIN. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on March 21, 2012, at 2:30 p.m.

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, I ask unanimous consent that following disposition of the House message to accompany S. 2038, the STOCK Act, the Senate proceed to executive session to consider the following nominations en bloc: Calendar Nos. 441, 462 and 463; that there be 2 minutes of debate equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on Calendar Nos. 441, 462, and 463, in that order; the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

AUTHORIZING SENATE LEGAL REPRESENTATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 403, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 403) to authorize testimony, document production, and legal representation in United States v. Richard F. ''Dickie'' Scruggs.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, this resolution concerns testimony, document production, and representation in a criminal matter pending in the United States District Court for the Northern District of Mississippi. In this postconviction proceeding, the defendant, Richard F. ''Dickie'' Scruggs, is seeking to have his honest-services fraud conviction vacated based on the Supreme Court's intervening decision in the case of United States v. Skilling.

The criminal conviction, which resulted from a guilty plea, involved the defendant's scheme to bribe a State judge by agreeing to ask Senator Lott to consider the State judge's application to fill a federal judicial vacancy. The defense is seeking testimony from a former staffer of Senator Lott about a brief phone conversation between the Senator and the State judge. Neither Senator Lott nor anyone on his staff was aware of the defendant's scheme.

The defense is also seeking testimony and document production from a staffer of Senator COCHRAN about contacts with Senator COCHRAN's office by or on behalf of the State judge in his efforts to obtain a federal judgeship.

Both Senators Lott and COCHRAN would like to assist by providing relevant evidence from their staff in this proceeding. This resolution would accordingly authorize Senator Lott's and COCHRAN's employees, and any other Senate employee from whom evidence may be necessary, to provide evidence in this action, with representation by the Senate Legal Counsel.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 403) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 403

Whereas, in the case of United States vs. Richard F. ''Dickie'' Scruggs, Case No. 3:09–CR–00002–GHD–SAA, pending in the United States District Court for the Northern District of Mississippi, the defense has served a subpoena for testimony on Hugh Gamble, a former employee of Senator Trent Lott, and

a subpoena for testimony and document production on Brad Davis, an employee of Senator Thad Cochran;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Hugh Gamble, Brad Davis, and any other employee from whom testimony may be necessary are authorized to testify, and Brad Davis is authorized to produce documents, in the case of United States vs. Richard F. ''Dickie'' Scruggs, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Hugh Gamble, Brad Davis, and any other employee of the Senate from whom evidence may be sought, in connection with the testimony and document production authorized in section one of this resolution.

DISCHARGE AND REFERRAL—H.R. 306

Mr. DURBIN. Mr. President, I ask unanimous consent that H.R. 306 be discharged from the Committee on Energy and Natural Resources and referred to the Committee on Environment and Public Works.

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

ORDER FOR PRINTING OF TRIBUTES AND STATEMENTS

Mr. DURBIN. Mr. President, I ask unanimous consent there be printed as a Senate document a compilation of materials from the CONGRESSIONAL RECORD in tribute to Senator BARBARA MIKULSKI, and that Members have until Thursday, March 29, to submit such tributes.

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

ORDERS FOR THURSDAY, MARCH 22, 2012

Mr. DURBIN. I ask unanimous consent that when the Senate completes its business today, it stand adjourned until Thursday, March 22, at 9:30 a.m.; 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; that following any leader remarks, the Senate be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of H.R. 3606, the IPO bill; further, that the filing deadline for second-degree amendments to the Reid motion to concur with respect to S. 2038, the STOCK Act, be 10:30 a.m. on Thursday.

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

PROGRAM

Mr. DURBIN. Mr. President, there will be a series of up to seven rollcall votes tomorrow, beginning at 2:30 p.m., including completion of the IPO bill, the STOCK Act, and confirmation of three judicial nominations.

ORDER FOR ADJOURNMENT

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order following the remarks of Senators WYDEN and LANDRIEU.

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

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

TRIBUTE TO SENATOR BARBARA MIKULSKI

Mr. WYDEN. Mr. President, I have been able to listen a bit to the wonderful tributes over the last few hours to Senator MIKULSKI. We all know of her wonderful service all these years, the record that is being shattered—a very special record.

As I listened to some of the comments, I was struck that tributes usually come in the Senate when one of our colleagues is leaving office or sometimes one of our colleagues passes away. And what I am struck by this afternoon is how glad I am and colleagues on both sides of the aisle are that Senator MIKULSKI is very much alive, and next week and next month and in the years ahead she is going to continue to bring this kind of wellspring of conscience and energy and passion and expertise to the Senate.

I am going to have more to say in terms of a lengthier speech, but she and I have had a special relationship for almost three decades. We served together in the other body on the Energy and Commerce Committee. We would often show up at meetings together, and this is still a tradition that continues now because we both have the honor of serving on the Senate Select Committee on Intelligence. Senator MIKULSKI and I would walk in together, and she would smile and say: Now the long and short of it are arriving. And I guess that is true in a literal sense, but while Senator MIKULSKI may be modest in stature, she has one very large record on behalf of the public interest, and I am especially grateful for all she has done for people without power and people without clout.

When we think about what has so angered the American people—and I have heard the Senator from Colorado, the Presiding Officer, talk about this—it is that people feel so disconnected from government; that you can have a community meeting in Oregon or Colorado or Maryland or some other part of the country, and somehow there is this sense what goes on in Washington really has nothing to do with people in their home community.

Senator MIKULSKI doesn't practice public service that way. Senator MIKULSKI has always felt, since the days when she was a community organizer and they were dealing with those community problems and where are you going to locate a freeway or something of that nature, that public service and community service were always about being connected to people. She understood right away what people may say at a townhall meeting now in Colorado or Oregon about government being removed from their lives, and for decades she has practiced a very different kind of public service. She did it when she was a community organizer, she did it in the House of Representatives, and she continues to do it today.

Very often when we take the subway to a vote and I ask her what she has done over the weekend, she will talk about families. She knows I was codirector of the Gray Panthers for many years before I was elected to Congress, so we will talk about aging issues. And everybody knows what she has done in the aging field and her interest in fighting Alzheimer's. So it always comes back to people, and that connection she brings to public service that is so lacking from what Americans see is the big problem in government today, that much of what goes on here is simply disconnected from their lives.

What I see in BARBARA MIKULSKI is the real measure of what we want in a public servant. We want someone who is conscientious, we want someone who is smart, we want someone who has good values and someone who always tries to be a coalition builder.

I have watched Senator MIKULSKI in lots of instances. We had one just recently where Senator MIKULSKI was trying to find a balance on a difficult and contentious issue between industry and the environment, and I watched how she was trying to listen to both sides. Maryland has some communities where they have older plants, and if she can't take steps to protect those plants and have the workers keep their jobs, a lot of people are going to hurt, and Senator MIKULSKI always tries to keep that from happening. She has also said clean air and the environmental

laws are important. And that last quality of trying to bring people together, which I have heard the Senator from Colorado talk about, is what Senator MIKULSKI's public service career has been all about.

So tonight and through the day we have heard colleagues pay tribute. I made mention of the fact that so often I hear these tributes when a colleague is leaving the Senate. I would like to close these brief remarks by saying that I am especially grateful that the cause of good government is enhanced by the fact that Senator MIKULSKI is very much alive. This is not a tribute to someone who is leaving office, this is a tribute to someone who is going to be here next week, next month, and the years ahead, continuing to shatter those records as she advocates for people who don't have big lobbies, who don't have lots of political clout and can't go out and hire PR firms and well-paid and well-tailored advocates to walk the halls of the Senate. She is there for those people who don't have a voice. She has been there for those people ever since she was a community organizer in those early days in Baltimore.

When I think about trying to give public service a good name, I think about BARBARA MIKULSKI—our wonderful friend, Senator BARBARA MIKULSKI, the senior Senator from the State of Maryland. We thank her for giving public service a good name. We thank her for taking on the battles and the fights she has in the past. And we are all especially grateful that at the end of this tribute she will be back at her post a few seats from me, standing for those values and standing for those causes that are so important to the well-being of this country.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. SHAHEEN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Ms. LANDRIEU. Madam President, I may be the last speaker of the day, but I did not want to leave the Chamber or the building without taking a moment to come to the floor, as so many of our colleagues did today, to honor one of our own, one of our favorites. Not only is she a favorite to us but I am certain beyond the shadow of a doubt that she is one of the favorite Senators ever to represent the State of Maryland. She is respected, she is beloved, and she is admired by millions of her constituents from Maryland, but I can promise you that is true of constituents in Louisiana, potentially in your home State, Madam President, and throughout the world.

Last Saturday our friend and colleague Senator BARBARA MIKULSKI of Maryland became the longest serving woman in the history of the Congress. I can only say that we have come a long way since the first woman was appointed, as I recall back in the 1920s. She was only allowed to serve 1 day and was not going to be given a paycheck but insisted that she be paid for her service. I think she might have been paid $1 for her service.

Of course, the record of that 1 day on the floor speaks for itself. We have come a long way since that day. But BARBARA MIKULSKI was first elected to the House in 1976, and then to the Senate 10 years later. When she first entered this Chamber, there was only one other woman here, her friend and her good, strong, supportive colleague, Nancy Kassebaum, a Republican from Kansas. So a Democrat from Maryland and a Republican from Kansas, but the two of them were quite a team and BARBARA MIKULSKI speaks fondly of her days with Senator Nancy Kassebaum. Today there are 17 of us and proudly we continue that tradition of respect and bipartisanship set in large measure by two of the women we greatly admire.

The late Representative Edith Nourse Rogers of Massachusetts, who served from 1925 to 1960, had previously held the record for the longest serving woman in Congress. Breaking this record is only one of the many milestones Senator MIKULSKI has accomplished during her tenure in the Senate. But, as she would so quickly say, it is not how long you serve but how well you serve. It is not the length of your service, as she said to us so many times, but the quality of your service. We could not have a better role model—in terms of effectiveness, strength, tenacity, courage, boldness—than in our own Senator BARBARA MIKULSKI.

She was the first female Democrat, the first in the history of our country, to serve in both Chambers of Congress, the first female Democrat to be elected to the Senate without succeeding a husband or a father, and the first female to chair an Appropriations Committee.

I serve on the Appropriations Committee. It is one of the most powerful committees in our Congress. When I think about the fact that it took over 225 years for a woman to get the gavel on just one of the 14 subcommittees—that number has changed over the decades—but if you think about it, from the beginning of our country's history, those early days through the expansion out West, through the Civil War, post-Civil War history, the early part of the 1900s, World War I, World War II—never did a woman hold a gavel to write one budget for one committee in the entire country, until BARBARA MIKULSKI received one of those gavels.

I can tell you from personal experience serving with her on that committee, our country is a better place—in health, in welfare, our space program, our science and technology programs—because BARBARA MIKULSKI has used that gavel not to promote herself but to promote the people she serves and the principles for which she fights.

She is well respected for her wisdom, for her tenacity and her strength. She is respected by female and male peers who serve with her. As most of my female colleagues in the Senate have also experienced, Senator MIKULSKI took me under her wing when I was first sworn in as a Senator. She extended her hand to help me in every way possible, to help me find my footing here as a Senator and to navigate through the intricacies of the Senate process. She was never too busy to hold out a helping hand or for a pat on the shoulder. She was always willing to give that extra advice and, I might say, was always willing to suggest that you might have made a mistake—try it a little different way the next time—not one to mince words, but as a good Big Sister would take us under her wing and help us out as any good Big Sister would do.

In addition to that wonderful, helpful, and thoughtful gesture that she shared with me and so many, she has been an inspiration to many women, particularly young women who have looked up to her, trying to follow in her footsteps.

I can only say that this Senate and this Congress—the people of Maryland, the people of our country and women throughout the world—have been blessed by her leadership.

What has touched me the most about watching her is the fearlessness in which she serves. She does not back down. She knows herself, she is comfortable in her own skin, and she doesn't try to be someone she is not. She is very proud of her Polish-American background, always proud to talk about the bakery her parents owned, her immigrant background, and always so willing to share from her heart as well as her mind some of what she believes.

She has been nothing but an inspiration to me and to many. I am so glad I could come to the floor today, I am so glad. I think almost every one of our colleagues has made it to the floor to honor her. When God made BARBARA MIKULSKI, he threw away the mold. I don't think there will ever be one like her. There most certainly isn't anyone in politics today who is like her. That is good, to be unique in that way. She will be long remembered. I hope she will serve here for many wonderful years to come.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:10 p.m., adjourned until Thursday, March 22, 2012, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

RAINEY RANSOM BRANDT, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE JOAN Z. MCAVOY, RETIRED.

DEPARTMENT OF JUSTICE

JOHN S. LEONARDO, OF ARIZONA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF ARIZONA FOR THE TERM OF FOUR YEARS, VICE DENNIS K. BURKE, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF AIR FORCE RESERVE, AND APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES AIR FORCE WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 8038

To be lieutenant general

MAJ. GEN. JAMES F. JACKSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ANDREW E. BUSCH

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT B. BROWN

THE FOLLOWING NAMED UNITED STATES ARMY RESERVE OFFICER FOR APPOINTMENT AS CHIEF, ARMY RESERVE AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3038:

To be lieutenant general

MAJ. GEN. JEFFREY W. TALLEY

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. DOUGLAS G. MORTON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. TERRY J. MOULTON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. DAVID R. PIMPO
CAPT. DONALD L. SINGLETON

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JAMES M. VEAZEY, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S. C., SECTIONS 531 AND 3064:

To be major

SHARI F. SHUGART

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be major

DANIEL A. GALVIN
SEAN V. KELLEHER
JOHN P. KUNSTBECK
THOMAS J. SEARS

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

ANTHONY R. CAMACHO
CARLTON C. CLEVELAND II
KEVIN R. KICK
RICHARD J. SLOMA

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

JAMES M. BLEDSOE
ALBERT A. CITRO III
CHRISTOPHER P. CMIEL
HARRISON B. GILLIAM
MANUEL R. MEDINA
MARK K. OHANLON
JOSEPH P. STEPHENS
DANIEL J. YOUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JOHN R. ABELLA
TIMOTHY M. ADAIR
ELIZABETH A. ADAMS
BRIAN J. ADKINS
RANDALL D. AGNEW
ROMAINE M. AGUON
BRIAN J. AHLERS
JACOB W. ALFORD
DESHAUNDA R. ALLEN
MICAH E. ALLEN
XAVIER C. ALLEN
MATTHEW L. ALVAREZ
BRAD D. ANDERSON
DESIREE L. ANDERSON
SEAN M. ANDERSON
REYNA J. ANDREL
JORGE A. APONTE
TOBIAS S. APTICAR
MIGUEL A. AQUINO
ADAM N. ARAUJO
JAIME L. ARIZMENDI-AROCHO
DARRELL R. ARNDT
NATHANIEL J. ARNOLD
SAUL A. ARROYO
MICHAEL E. ASHTON
STEVEN D. ATWOOD
CODY M. AUTREY
GEORGE M. AUTRY
JAHREN D. BAEZ
KYLE P. BAIR
CHRISTOPHER M. BALDWIN
TIMOTHY J. BALLAS
EMERSON F. BAMBA
SHEILA A. BANKS
STEPHEN F. BARKER
MICHAEL J. BARNETT
JONATHAN BARRETO
JOSE V. BARROS
MATHEW A. BAUMGARTEN
CHRISTOPHER S. BAY
AARON J. BECKER
JEFFREY M. BELCOURT
BRIDGETTE R. BELL
SEAN M. BELL
STACY L. BEQUER
NOEL P. BERGERON
DAVID H. BERGMANN
CHRISTOPHER L. BERRY
DALE E. BERRY
LILLIAN A. BERRY
DAVID S. BEST
TRAVIS W. BLASCHKE
WILLIAM D. BOISVERT
ANGELA C. BORDEN
EDWARD L. BOULDIN
JEREMY M. BOURQUE
ELLHUE S. BOWLES, JR.
BROOKS D. BOYD
DERWIN BRADLEY
TONEY M. BRANTLEY
GRANT J. BRAYLEY
LARRY D. BRINSON, JR.
WILLIAM O. BRITT III
CRAIG L. BROE
ARTHUR G. BRONG
AARON S. BROWN
CHRISTOPHER A. BROWN
JONATHAN L. BROWN
MICHAEL C. BROWN
MORRIS BROWN, JR.
TONI N. BROWN
LEE M. BRUNER III
MIA P. BRUNER
CHARLES V. BUIE
CORRIS L. BULLOCK
QUINTON B. BURGESS
MICHAEL A. BURGETT
JEFFREY L. BUTTARS
KEVIN D. CAESAR
JOE D. CALDWELL, JR.
STEVEN E. CAMACHO
NAYARI N. CAMERON
TAMIKO M. CAMPBELL
HILARY C. CAMPHOUSE
TIFFANY L. L. CARLISLE
ANDREW S. CARPENTER
ESTHER CASARI
ADAM R. CATES
LEANDER B. CATES
BRAD A. CATON
FRANK A. CENKNER
NATACHA CERISIER-WHETSTONE
BRANDON M. CHAPMAN
HELEN M. CHEARS
SEAN M. CHERMER
CARLSON D. CHOW
KENT L. CHRISTOPHER
DAVID M. CHUDY
DAVID S. CLARK
NICOLE L. CLARK
COURTNEY G. CLAYTON
ANTONIO C. COFFEY
JOSHUA D. COLLINS
PATRICK A. CONFER
TORRANCE L. CONNER
COREY A. COOPER
ERIK A. CORCORAN
TRAVIS E. COREY
AMY M. CORY
JASON L. COWAN
THERESA B. COX
REBECCA J. COZAD
MIRANDA R. CRAIG
JASON P. CRIST
JASON S. CRITZER
CASSANDRA S. CROSBY
MARK W. CROWDER
JOSE J. CRUZ
CHRISTEE S. CUTTINO
CASSANDRA E. DAILEY
REBECCA A. DANGELO
CLAUDIA I. DANIEL
GREGORY L. DARDEN
JUSTIN L. DARNELL
MOLLY C. DAVIDSON
BRIAN D. DAVIS
MARCUS D. DAVIS
OCTAVIA L. DAVIS
SCOTT M. DAVIS
THOMAS S. DAVIS
TY G. DAWSON
CARTER G. DEEKENS
JAMES W. DEER
JOHN D. DEGIULIO
ROSA V. DELAGARZA
DAVID W. DENNETT
JOSEPH F. DENNING, JR.
JERRY A. DEQUASIE
LATIKA S. DIXON
MICHAEL J. M. DIZON
MAX W. DONALDSON
CHARMAINE R. DOUCETTE
LONNY L. DOUTHIT
THADDEUS J. DOUTHITT
DAVID DUNCAN
JEREMY R. EBDRUP
EARL L. ELAM
GERVELINE ELIASSAINT
MARK A. ELLIS
BARRICK K. ELMORE
JONATHAN ENGROOS
LARRY L. EPPS, JR.
CHRISTY L. ERWIN
JOHN C. FAUST
GINA M. FERGUSON
VICTORIA L. FERREIRA
ANDRE R. FIELDS
GREGORY D. FINN
TAMMY D. FISHEL
DAVID P. FLEMING
JAMES E. FLOTT
KEITH L. FORD
BENVERREN H. FORTUNE
ANTHONY L. FREDA
JONATHAN T. FREDRITZ
MICHAEL H. FULLMER
BURTON FURLOW, JR.
MATTHEW F. FURTADO
CHARLES G. FYFFE
SHANE L. GAINAN
TARONE L. GALLOWAY
TIMOTHY L. GALLOWAY
DUSTIN D. GAMACHE
LYDIA C. GANDARA
EFRAIN A. GARCIA-COLON
BRENT D. GARGUS
PROSPERO J. GATUS
KENNETH J. GAUSE
WAYNE GENDRON
TAWOFIK M. GHAZAL
DUSTIN M. GILFOIL
JARROD D. GILLESPIE
ALPHONSO A. GILMORE
NAQUAVA E. GLENN
AMAURY A. GOMEZ
MICHAEL G. GOODKNIGHT
CHAON P. GORDON
CHRISTOPHER J. GORDON
GABRIEL GRANADOS
LESLIE A. GRAYHAM
JEDMUND W. GREENE
JACQUELINE M. GREGG
MARIA M. C. GREGORY
DOUGLAS GRIFFITH
WILLIAM F. GRIFFITHS
DANIEL W. HADDOX
NATHAN L. HADLOCK
KRIS B. HALEY
ANTHONY L. HALL
JEREON W. HALL
JEFFREY P. HALLADAY
MICHAEL A. HALLINAN
DENNIS L. HAN
KEVIN M. HARPER
NICOLE L. HARRELL
SHAUNAREY HARRIS
TONY L. HARRIS
W N. HARRIS
JOSHUA S. HARTWICK
JOSHUA L. HEADLEY
ROBERT A. HEDGE, JR.
KENNETH R. HEEBNER
BRIAN S. HEISE
CHAD M. HENDERSON
JEROME HENDERSON
LAWRENCE E. HENDERSON
ANTIWAN M. HENNING
EVERETT M. HENRY II
KENNETH E. HERNDON
CHRISTOPHER M. HILL
PAUL E. HOLT, JR.

JUSTIN T. HORSFALL
KATHRYN Z. HOSTETLER
ALEX J. HOUSTON III
GREGORY HOWARD, JR.
DANIEL L. HOWSER
ALLEN J. HUGHES
ALFRED E. HUNTE III
JANAY L. HURLEY
MATTHEW J. HURLEY
BRYAN C. HUTCHERSON
JESSE J. IGLESIAS
MARIO M. IGLESIAS
EDDIE L. IIAMS
EUGENE IRBY
CHRISTOPHER D. ISBELL
ALLAN S. JACKMAN
MATTHEW P. JACOBS
LATOYA M. JAMES
WILLIAM M. JAMIESON
HARLEY P. JENNINGS
NICOLE L. JEPSEN
RAPHAEL A. JIMENEZ-RAMIREZ II
ALFONSO T. JOHNSON
DEREK G. JOHNSON
EDWARD B. JOHNSON, JR.
JASON L. JOHNSON
MARTIN A. L. JOHNSON
MELISSA E. JOHNSON
NAOMI S. JOHNSON
TEZSLYN L. JOHNSON
RACHEL J. JOSHUA
FELICIA JOYNER
JOHNNY J. JUN
MATTHEW P. KENT
JOSHUA T. KERTON
STEPHEN J. KILDOW
SARA D. KIMSEY
ERIC K. KING
STACY L. KING
VALERIE KNIGHT
BRANDON M. KOAY
JOSEPH D. KOMANETZ
BONNIE S. KOVATCH
KELLI J. KULHANEK
AMANDA R. LAM
JOHN D. LAMKIN
DANIEL E. LANDRUM
MARIEJANE V. LARIMER
MELINDA LATTING
CLEOPATRA W. LAWSON
ALBERT J. LEE
MICHAEL J. LEE
KATHERINE A. LEIDENBERG
RONALD C. LENKER
WILLIAM A. LESLIE, JR.
DENNIS M. LEUNG
JASON M. LOGAN
HANS J. LOKODI
EDGAR A. LOPEZ
MIREYA K. LUMPKIN
JOSHUA H. LUNSFORD
JOEL M. MACHAK
CHARLIE MACK III
JAMAAL A. MACK
JASON S. MALONE
THOMAS J. MARBURY
MARGARET J. MARCELLO
CHRISTIAN C. MARKS
JOSEPH C. MARSHALL
WALTER L. MARSHALL
JEFFREY L. MARSTELLER
ROBERT P. MASSEY
CHRISTOPHER J. MASSON
IRMA M. MATOS
ERIK D. MATTES
ROBERT A. MATTHEWS
JOHN V. MAUNTEL
ERIC S. MCCALL
MICHAEL R. MCCARTY
MARY K. MCCRAY
AARON M. MCCULLOUGH
RONNIE D. MCCULLOUGH
RYAN P. MCDONALD
PAUL D. MEDLEY
GERARDO MENAL
JOAQUIN M. MENO
RENEE M. MICHEL
MICHAEL A. MIGNANO
KORY C. MILLER
MICHAEL R. MILLER
NICHOLAS J. MILLER
RENINA C. MILLER
JAE K. MIN
MATTHEW W. MISKOWSKI
JEANNETTE M. MOLINA
DONALD MOORE, JR.
DONWAYGO R. MOORE, SR.
JODIE M. MOORE
AYANNADJENABA A. MORALES
CARL M. MOSES
DAVID C. MOSES
KIRK E. MOSS
JAMES D. MULLIN
AVA W. MURPHY
PATRICIA C. MURPHY
SHANE L. MURPHY
LASHONDA C. NAIRN
JACOB T. NAYLOR
ANTHONY P. NEWMAN
CHRISTIAN S. NEWTON
TYLER D. OLSEN
HADIYA E. ONEAL
STEPHEN F. OSTRANDER
WILLIAM OWEN
MICHAEL O. OZOLS
TIMOTHY N. PAGE
MATTHEW P. PANEPINTO
NICHOLAS P. PANEPINTO
CATHERINE Z. PAPOULOGLOU
THOMAS A. PARKER
VANESSA M. PARKER
MICHELLE L. PARLETTE
ALICIA M. PARTIN
JEAN P. PAUL
JON J. PEARL
AARON D. PEARSALL
STEPHANIE M. PEGHER
ERIC C. PENA
YVONNE V. PERDOMO
RYAN D. PERUSICH
GEOFFREY A. PETERS
DWAYNE A. PETERSON
RICKY PHAN
ERIX S. PHILLIPS
JON T. PHILLIPS
JEFFREY A. PHILLIPY
LANELLE J. PICKETT
OBADIAH J. PILKINGTON
CRISTIAN A. PINZON
EDUARDO G. PLASCENCIA
ADRIAN L. PLATER
RICHARD R. PLESS
DEOSARAN POKHAI
DREW T. PONIVAS
LEVITICUS D. POPE
TIMOTHY J. POWLAS
MANUEL PRADO
KEITH N. PRATT
ROBERT T. PREMO
PATRICK B. PRESTON
KENNETH D. PRICE
ALIM A. QAASIM
JEFFREY J. QUAIL
NEROLIZA QUILES
ANGELA M. QUINN
AGUSTIN QUINONESVARGAS
ERIK QUIRALTE
EUPHEMIA S. RAMEY
SCOTT A. R. RAMIREZ
TINA L. RAMIREZ
RAMON G. RAMOS
PAUL H. RAMSEY
WILLIE R. RAMSEY
JIBRIL B. RASHAD
ADAM D. RAY
KALIN M. REARDON
PATRICK J. REARDON
MARK C. REED
ZAMBIA S. REMLEY
ARLENE C. RILEY
MATTHEW C. RIVERA
MELODY D. ROBINSON
NARVO N. ROBINSON
STEVEN C. ROBINSON
DANIEL RODRIGUEZ, JR.
JEREMY J. ROGERS
CHRISTOPHER J. RONALD
BENJAMIN ROSARIO-CAMACHO
WILFORD A. RUFFIN
EDWARD R. RUNYAN
AMY A. SAAL
JEFFREY L. SACKS
RODRICK C. SALTER
DAVID A. SANCHEZ
JAYSON A. SANCHEZ
ADIA H. SANDERS
GARY E. SANDERS II
JAMES C. SANDERS
KENNETH E. SCATTERGOOD
RALPH E. SCHNEIDER IV
SCOTT M. SCHOEN
JOHN B. SCHULKE, JR.
JONATHAN M. SEITER
PAUL D. SELL
ROBERT S. SHAW
ALAN W. SHOLES, JR.
JOHN D. SHORT
JAIME L. SIMMONS
BRADLEY C. SINES
MICHAEL S. SJOSTROM
DENNIS I. SLATTERY
ALLY M. SLEIMAN
CHER C. SMITH
CRYSTAL V. SMITH
EDWARD J. SMITH
GREGORY S. SMITH
JOEL D. SMITH
JOSHUA J. SMITH
KELLEY A. SMITH
OLIVER D. SMITH
SHANNON I. SMITH
STANTON W. SMITH
EUNICE H. SORRELL
JOSHUA D. SOUTHWORTH
TREVOR A. SPARKS
JAMIE M. STAHL
AMANDA K. STAMBACH
BRIAN S. STANLEY
NICOLE R. STARR
VICTORIA S. STAUFFER
JERRY STECHER
DAKOTA R. STEEDSMAN
MELISSA M. STEVENSON
MATTHEW A. SUHAR
MATTHEW B. SULLIVAN
VIRGINIA A. SUPANICK
ROBERT J. SUTTON
CAMILLA M. SWAIN
RYAN D. TACKETT
JUAN TALAMANTES, JR.
MARILYN TAMATAVE
VERNON D. TAYLOR
KEISHA A. TEIXEIRA
DWAYNE M. TERRY
MUHAREM TERZIC
GRANT T. THIMSEN
CHRISTOPHER D. THOMAS
DRENNA L. THOMPSON
JERMON D. TILLMAN
ROSLYN D. TILLMAN
TONY D. TINDERHOLT
DANIEL P. TONE
KEITH O. TONEY
ORLANDO L. TORRES
ROBERT J. TREMBLAY
WILLIAM N. TRENOR
DANIEL T. TROST
KENNETH M. TWITTY
VIC J. UNDERWOOD
CHRISTOPHER J. URYNOWICZ
KATIE M. UTLEY
MIKLOS S. VAJDA
PLOURDE VALLON
PATRICK S. VANKIRK
EDISON H. VARGAS
IAN J. VARGAS
MELODY L. VARNER
DOMINIC T. VAUGHAN
JUAN A. VEGA
SOL A. VELEZ
ERIC VERBURG
JUAN A. VILLATORO
THOMAS M. VIRNIG
JOHNNY H. VUONG
LINDA C. WADE
ROBERT L. WALLS
SHAREEFAH J. WATERS
ASHLEY L. WATSON
LATASHA WATSON
CAREY E. WAY
ANTHONY J. WEILBACHER
JOHN D. WEISSENBORN
BRIAN J. WELCH
ALLEN S. WELLMAN
BRANDY L. WEST
ROBERT J. WEST
BRETT C. WHEELER
ALEX B. WHITE
CHRISTOPHER M. WHITTEN
CORNELIUS D. WILBERT
BRANDON J. WILKINS
AGNITA M. WILLIAMS
ANDREA WILLIAMS
BRIAN M. WILLIAMS
DAVID C. WILLIAMS
JACQUELINE R. WILLIAMS
JAMES M. WILLIAMS
JAY A. WILLIAMS
KELSY R. WILLIAMS
NICHOLAS I. WILLIAMS
YOLANDA M. WILLIAMS
BENJAMIN E. WILSON
NICKOLA R. WILSON
RICHARD S. WILT, JR.
CHANCE L. WIREY
JEFFREY L. WITHERSPOON
DEWAYNE G. WOOD
EDWARD M. WOODALL
PHILLIP G. WOODEN
SHANON B. WOODS
JAMES E. WORD
LAURIJEAN C. WRIGHT
CHAD D. WRIGLESWORTH
DANIEL M. YABLONSKI
TRACY L. YATES
STANLEY M. YOUNG
WILLIAM Y. YUN
AMBER R. ZEIGLER
ALAN ZERO
ADAM C. ZIEGLER
JASON S. ZMIJSKI
D011081
D010584

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DREW Q. ABELL
JOHN C. ACOSTA
BRADY C. ADAMS
MATTHEW J. ADAMS
BRADLEY K. ALLBRITTEN
ERNEST A. ALMAZAN
PETER P. ALMIREZ
IVAN M. ALVARADO
HUMBERTO A. ALVAREZ
DARIUS D. ANANIA
ANN S. ANDERSON
JUDITH ANTOINE
DANIEL B. ANTON
SIDDAHARTHA G. ARIAS
MATTHEW J. ARNOLD
DALLEN R. ARNY
TERRY L. ARVA
BRETT J. ASHWORTH
CHARLES T. AUSTIN
CARLO U. AVERGAS
GINA M. AVILES
CHARLES R. BAILEY
JONATHAN N. BAILEY
MARK J. BALBONI
MICHAEL J. BALLARD
CHRISTIE E. BANNER
LAWRENCE E. BARBER
MATTHEW S. BARGER
STEPHEN W. BATEMAN
AARON D. BEAM
JOSHUA P. BEARD
RICHARD D. I. BECKER

CHARLES J. BELL
NICOLE A. BELL
TRAVIS M. BELLER
BENJAMIN K. BENNETT
ARTHUR J. BENSON
DANNY L. BERNDT
WYMAN T. BEY
SPENCER BIAH
CHRISTOPHER S. BILLINGSLEY
MARTY W. BISHOP
COLLIN A. BISSELL
JUSTIN T. BLADES
MELISSA A. BLONDIN
SCOTT M. BOBIER
DAVID G. BOCK
CHRISTOPHER B. BOER
BEN M. BORJA
BLAKE C. BOTILL
ROBERT H. BOTSFORD
BENJAMIN S. BOWDEN
GREGORY J. BOWLES
SIMON A. BOYD
TRAVIS B. BRASHERS
MATTHEW J. BRENNAN
KENNETH N. BROCK
JAMES M. BROGAN
KENNETH B. BROOKS
THOMAS V. BROOKS
DAVID C. BROWN
SEAN C. BROWN
TEKEITHIA C. BROWN
MATTHEW O. BRUNDAGE
JOHN W. BRUSHABER
ALICIA E. BRYANT
STEPHANIE M. BUCK
JERRY D. BUCKLES
DANE W. BUCKLEY
WILLIAM N. BURGOS, JR.
DAVID W. BUTLER
JOHN A. BYRD
FELIX K. CANETE
ENRIQUE T. CANIZALES-PYLES
JEFFREY L. CANNING
KENNETH W. CAREL
JUAN F. CARLETON
CHAD E. CARR
DERRICK P. CARVER
MARY C. CASSIDY
ALBERTO CASTRO
ALLAN J. CATINDIG
STEVEN R. CAVIN
JESUS CEJA
MICHELLE F. CENDANA
ANTHONY E. CERULLO
ALEX B. CHANEY
KAREN CHARCHAN
BRIAN CHEN
BRUCE E. CHOJNACKI
ANDREW E. CHOVANCEK
NORMAN R. CHRISTIE
YOUNG H. CHUN
JONATHAN M. CINTRON
DOMINICK G. CLEMENTE, JR.
SHARMAN J. CLINCY
JASON C. COAD
TRAVIS L. COFFMAN
JAMES V. COLLADO
VICTOR COLLADO
ROBERT N. COLLIER
CHRISTOPHER A. COLLINS
CHRISTOPHER M. COLLINS
JUSTIN E. COLLINS
CHRISTOPHER U. COLUMBRES
DENNIS J. COMPTON
JOHN M. COMSTOCK
JOSHUA S. CONARY
WILLIAM J. CONSTANTINO
JEREMY A. COOPER
CASEY J. CORCORAN
ERIC B. CORDAS
STEPHEN P. CORPUS
LUCAS P. COTTRELL
JOHN M. CRAIGHEAD
MATTHEW S. CROSBY
WILLIAM R. CROSS
TIMOTHY P. CULLERS
JONATHAN P. CURTIS
GREGORY E. CZYZYK
CHARLES G. DAILEY
PAUL A. DALEN
DEREK A. DALY
DONALD J. DANGLER
CHAD S. DANIELS
BOBBY E. DAVIS, JR.
ELDONDA L. DAVIS
MARK A. DAVIS
MATTHEW B. DAVIS
STEVEN A. DAVIS
ROBERT A. DAY
AARON M. DEAN
DAVID E. DEHART
TRAVIS D. DELKER
LEONARD B. DELLA-MORETTA III
DAVID S. DIETZ
TIFFANY L. DILLS
HARRY L. DINGLE
CHRISTOPHER W. DISTIFENO
PAUL D. DOLEZAL
TIMOTHY M. DOLL
MICHAEL L. DONEGAN
ANDREW X. DOWNEY
JACKSON DRUMGOOLE II
JEFFREY G. DUPREE
MICHAEL A. DUVAL
PHILLIP A. DYE
CHRISTOPHER R. DZIADOS
ETRIK J. EDDY
PAUL D. EGGIE
ASHLEY R. ELLIS
MICHAEL J. EMERSON
PAUL A. ESCOBAR
CHARLES D. ESTER
LUIS A. ETIENNE
JULIANNA M. EUM
KEVIN L. EVANS
CHRISTINA A. FANITZI
LEMAR A. FARHAD
CHRISTOPHER D. FELIX
ANTHONY J. FENNELL
JAY G. FIGURSKI
JUSTIN L. FINCHAM
NATHAN K. FINNEY
PHILIP J. FISHER
ANTHONY D. FISIC
SHAWN M. FITZGERALD
IAN W. FLEISCHMANN
JANIS D. FLEMING
CHARLES M. FLORES
PETER R. FLORES, JR.
AARON C. FORD
KYLE D. FORD
MICHAEL M. FORESTER
ADAM FORREST
JACOB P. FOUTZ
JOSHUA M. FRANCIS
YASMIN J. FRANCIS
JOHANNA M. FRANCO
MAI L. E. FRANCO
WILLIAM P. FREDERICK
SEAN A. FRERKING
CHRISTOPHER M. FRISBIE
MALLORY A. FRITZ
WILLIAM P. FROST
MAXWELL E. FULDAUER
JOSHUA W. FULLER
BRADFORD L. GADDY
PAUL K. GALBRAITH
JOSEPH GARWACKI
JIMMY F. GASTON III
CARL GAUSE, JR.
JASON J. GENARD
KURT L. GERFEN
DAVID E. GERVAIS
MATTHEW L. GETTINGS
MATTHEW C. GILL
JOSHUA L. GLENDENING
EDWARD F. GOLDNER
MICHAEL D. GORE
RANDALL T. GRAHAM
LEE P. GRAY
GEORGE C. GREANIAS
CHRISTOPHER R. GREEN
JOHN D. GREEN
NEAL R. GREEN
TERRENCE R. GRIFFIN
BRENDA L. GRUSING
REGINALD GUILLET
GORDON F. GUILLOT
ZACHARY L. HADFIELD
RICHARD E. HAGNER
CHRISTOPHER M. HALL
GERALD S. HALL
ZENIN J. HAMAGUCHI
BRYAN T. HAMILTON
ANTHONY J. HAMMON
LUCAS J. HARAVITCH
KENNETH D. HARDY
EVERETT HARRIS
NANCY K. HARRIS
MARCUS A. HARRISON
SETH R. HARTMANN
JAMES H. HARVEY
SIMEON M. HARVEY
JAMES N. HARVILLE
JACK HATFIELD III
ROBBY A. HAUGH
AUSTIN T. HAYES
PATRICK R. HEIM
JONATHAN M. HEIST
WILLIAM L. HEITZMAN
RUSSELL W. HENNESSEY
HERSCHEL L. HENRY
DEAN K. HERMAN
SHAWN R. HERRICK
DANIEL D. HICKEY
NATHAN L. HICKS
LIESL K. HIMMELBERGER
MATTHEW R. HINZE
ROBERT C. HOFFMAN
GREGORY L. HOLIMAN
DEBORAH L. HOLLAND
BARBARA M. HORNE
DARNELL H. HOWARD
DEMETRIUS D. HOWARD
DAVID H. HOYT
GEORGE W. HUGHBANKS
KEN M. HUGHES
DAVID M. HUNTER
MATTHEW J. HUNTER
SCOTT D. HUNTLEY
WILLIE R. HUTCHINSON
FRANK K. HWANG
KEVIN T. IKE
ERIK M. ILIFF
KARL T. IVEY
ANTONY B. JACKSON
ERIC T. JACKSON
ROSS E. JACKSON
THOMAS P. JACOBS
BRIAN JAMES
TRAVIS W. JAMES
BRIAN M. JANTZEN
TIMOTHY L. JENKINS
MICHAEL T. JESSEE
EVAN D. JOHNSON
JEFFREY E. JOHNSON
JOEL M. JOHNSON
KHALI D. JOHNSON
SETH A. JOHNSTON
TERRY L. JOINER
JAMES M. JONES
JENNIFER D. JONES
RYAN D. JONES
STUART W. JONES
JASON E. KALOW
BAI S. KAMARA
JOSEPH M. KAMINSKI
ALEX F. KATAUSKAS
BRIAN A. KAVANAGH
DAVID F. KEITHAN
GERALD L. KELLER
DANIEL J. KEMPEN
JASON P. KENDZIERSKI
SEAN K. KENEALLY
PHILLIP J. KERBER
BRETT T. KETCHUM
DANIEL K. KILGORE
EZRA Y. KIM
JAMES H. KIM
JAMES E. KING
COLIN M. KINSELLA
JARED R. KITE
BENJAMIN H. KLIMKOWSKI
KRAIG M. KLINE
DUSTIN M. KNAUS
WESLEY N. KNIGHT
DONALD D. KOBAN
WILLIAM L. KOCH
DEREK J. KOCHER
MICHAEL A. KOTICH
MAXIM A. KREKOTNEV
DANIEL KULL
MICHAEL C. KURTTI
AARON J. KUYKENDALL
STEVE S. KWON
DARRELL C. LADNIER
JAMES R. LALLY
CLAUDE A. LAMBERT
BRIAN H. LAMPERT
BRADLEY T. LANG
FRANCES P. LANG
JEFFREY J. LANG
KEVIN S. LARRABEE
NICOLE B. LAUENSTEIN
JOSEPH A. LAVALLE-RIVERA
CLARENCE L. LAWSON, JR.
ANDREA L. LEAMAN
LUCAS J. LEASE
MICHAEL L. LECCLIER
GREGORY M. LECLAIR
AUVIE R. LEE
CHRISTOPHER S. Y. LEE
JAMES A. LEIDENBERG
TRACY B. LEON
JARROD L. LESLIE
WILLIAM C. LEWIS
CHRISTY A. R. LICKLIDER
JENNIFER D. LILES
TOMEEKA LILLY
DONALD W. LINCOLN
GEORGE J. LINDSEY
MARCUS E. LOPEZ
DEBBIE C. LOVELADY
ARNIE F. LUCAS III
CHRISTOPHER D. LUNDIN
WESLEY H. LUTHER
JAMES C. MACHADO
JEFFREY N. MACKINNON
MICHAEL A. MADDOX
BRANDY L. MALONE
KELLY L. MARKIN
JAE C. MARQUIS
MICHAEL A. MARTIN
CLARE MARTINEZ
JONATHAN MARTINEZ
KIRSTIN S. MASSEY
JOHN P. MAYO
JOHN J. MCALLISTER
ALTON R. MCCALLUM
CHRISTOPHER B. MCCARVER
MICHAEL K. MCCOY
MICHAEL B. MCCRANIE
MATTHEW W. MCCRAY
JASON J. MCCUNE
COLIN J. MCELROY
PATRICK M. MCGRATH
RHONDA L. MCRAE
CLINTON C. MEAD
RICKIE R. MEERS, JR.
DEREK W. MEHRTENS
ERIK F. MELENDEZ
JOSHUA G. MENDOZA
NATALIA R. MERCEDES-WILLIAMS
MELISSA C. MESSARE
JACOB I. MEYER
SEAN P. MICHAELSON
EDWARD MIKKELSEN, JR.
JASON C. MILLER
MATTHEW L. MILLER
PATRICK G. MILLER
RYDER S. MILLER
AMANDA MILNER
EDWARD J. MINOR
GARRICK P. MINOR
AZUCENA MONTENEGRO
DUANE A. MONTOYA
CHARLENE MOORE
JOHN F. K. MOORE
BENJAMIN T. MOREHEAD
KYLE V. MOSES
CARDY MOTEN III

CHRISTOPHER L. MUGG
PATRICK R. MUGG
DAVID A. MULLINS
CHRISTOPHER U. MUNAR
KEVIN C. MURNYACK
BRIAN P. MURPHY
JASON P. MURPHY
BRIAN S. MURRAY
JASON M. MUSGROVE
DAVID C. MUSICK
MICHELLE T. MYERS
MICHAEL E. NAAS
JEFFERY S. NASON
TYRONE L. NELSON
SEAN P. NEWCOMB
BRAD A. NEWNUM
DAT T. NGUYEN
VINH Q. NGUYEN
GLIDDEN NIEVES
EDWARD F. NORRIS
STEPHEN M. NOTERY
DONALD J. NUNEMAKER
ROBERTO NUNEZ
RICHARD L. NYGAARD
RICARDO E. OCASIO
RAYMOND W. ODONNELL
GERALD M. ODOWD
PAUL C. OGWO
JASON M. ONEAL
JORDAN D. ORDONIO
EGAN L. OREILLY
MARK F. ORLANDI
ISMAEL ORTIZ-RIVERA
JOSE F. ORTIZ-TRINIDAD
CHAD A. OTT
JEREMIAH S. OWOH
JASON A. PARDEE
RUSSEL T. PARHAM
MATTHEW S. PARISH
AARON M. PARKER
DANIEL I. PATON IV
JARED G. PECK
JERRY L. PEEBLES
DARRELL E. PEEK
WINSTON A. PERRY
EDWARD T. PESKIE
ROBERT L. PETERS
JOCOLBY W. PHILLIPS
MARISA C. PIASECKI
JACOB C. PIERCE
BRADLEY K. PIETZYK
BRYAN W. PLASS
MICKEY J. PLETCHER
MARTHA A. PLUMLEY
ANDREW B. POKORA
BENJAMIN POLANCO
MICHAEL T. POPE
JAMES L. POTTER
LUIS E. PRECIADO
STEVEN E. PRESSLEY
JAMES M. PRICE
NATHAN R. PULLIN
RYAN E. PURDY
JASON W. PYSKA
JASON A. QUASH
MARIO A. QUEVEDO
CARLOS A. RAMOS
ANDREW J. READY
THOMAS E. REDDICK, JR.
MICHAEL R. REDINGTON
ANDREW C. REED
KETTY N. REED
SANDRA E. REEVES
JOHN A. REGAN
CHRISTOPHER P. REILLY
CORY S. REITER
JESUS REYES
ALBERTO J. REYNOSO
BRAD A. RICE
DAVE C. RICHARDS
AMANDA B. RIFFER
ADAM L. RIGGS
ALBERT RIOS
BRADLEY R. RITZEL
JOHN A. RIZZUTO
OMAR M. ROBERTO-CAEZ
CHRISTOPHER C. ROBERTSON
JOHN B. ROBERTSON
STEVEN L. ROBERTSON
DAVID RODRIGUEZ
MINERVA A. RODRIGUEZ
KENNETH W. ROEDL
GUILLERMO ROJAS, JR.
PETE ROONGSANG
MATTHEW T. ROSEN
KRISJAND A. ROTHWEILER
JOHN A. ROUSSEAU
BRYAN A. RUCKNAGEL
RAMON A. RUIZ, JR.
MORGAN R. RUST
JAMES D. RYAN
ALPHIE G. SACHNIK
ANGELICA M. SALAZAR
DAVID SALAZAR
KYLE SALTZMAN
PEDRO R. SANABRIA
PABLO SANCHEZ
KELLY J. SANDERS
GREGORY E. SANDIFER
ERASMO SANDOVAL
PHILLIP J. SANTOLI
JEFFREY J. SANTOS
STEPHEN J. SAPOL
ERICH J. SAUER
KALE D. SAWYER
PAULA J. SCHEMMEL
ROBERT W. SCHMOR
BRIAN T. SCHNEIDER
BENJAMIN A. SCHNELLER
CLINTON R. SCHOFIELD
DAVID V. SCHULZ
JASON D. SCHWAB
GAVIN D. SCHWAN
BLAKE E. SCHWARTZ
TERI E. SCROGGINS
ELIZABETH A. SEATON
LEWIS F. SEAU
MICHAEL S. SENFT
ZACHARIAH SEPULVEDA
SCOTT A. SEWELL
NICHOLAS J. SHALLCROSS
JESSE L. SHAW, JR.
CHRISTOPHER T. SHERBERT
BRAD K. SHIMATSU
JASON S. SHIN
JARROD S. SHINGLETON
MATTHEW D. SHIRLEY
THOMAS J. SILIO
STEVEN R. SIMMONS, JR.
MICHAEL D. SIMPSON
ORLANDO C. SIMS
DANIEL M. SINGLETON
THOMAS P. SIRICO
ASHANTI M. SKINNER
RONNIE L. SLACK
CHARLOTTE E. SMART-MCGHEE
DANIEL K. SMIT
JEROMIE D. SMITH
JOSEPH A. SMITH
KEMIELLE D. SMITH
MICHAEL SMITH
OCTAVIA R. SMITH
GAETANO M. SNOW
BRENT SOELBERG
JUNG S. SOH
JUDITH SOTO
PATRICK S. SOUTHERLAND
AMBER SPAIN
CONRAD D. SPANGLER
LOUIS J. STANGLAND
CHRISTOPHER L. STANGLE
JAMES S. STEWART
SEAN A. STEWART
MICHAEL B. STOKES
GLORIA E. STRINGER
NAKIA J. SUMMERS
KELLY K. SUNDERLAND
CHRISTOPHER M. SUTTLES
ERICK C. SUTTON
JOY C. SWANKE
JAYSON L. SWEET
EUGENE SZYMANSKI
MARGARET D. TAAFE-MCMENAMY
ELMER W. TAKASH III
KENNETH S. TAKEHANA
KEVIN R. TANQUARY
RYAN G. TATE
JESUS A. TAVARES, JR.
BRYAN T. TAYLOR
THOMAS W. TAYLOR II
MARCELO C. TEALDI
ELIZABETH A. TEDRICK
ROBERT P. TEXTER
DARREN J. THOMAS
JAMES H. THOMAS
KAI J. THOMPSON
KEVIN G. THOMPSON
ROBERT L. TINDALL
JASON P. TISDALE
PAUL W. TOMLINSON II
WILFORD A. TONEY
ROBERT H. TOPPER, JR.
FELIX TORRES
IVAN TORRES
MICHAEL B. TOWNER
NADIA L. TRAYLOR
SERGIO R. TREJO, JR.
ADAM C. TUMBLIN
JENNIFER M. TUREK
AARON S. TURNER
JAMIESON L. TWIST
TIMOTHY D. TYNER
BENJAMIN K. ULLRICH
MATTHEW P. UPPERMAN
BRYAN M. VADEN
JENNIFER E. VALDIVIA
BENJAMIN J. VANMETER
BRANDON L. VANORDEN
STEPHAN A. VARGA
JORGE E. VARGAS
THOMAS W. VOGAN
ALEXANDER M. VUKCEVIC
TRUNG N. VUONG
DENIS M. WAGNER
ROMELL WARD
JESSICA D. WATSON
WESLEY P. WATSON
SCOTT J. WEEMAN
WILLIAM F. WEILAND
JONATHAN W. WELBORN
SHAIN R. WERTHER
WILLIAM W. WESSLING
FREDERICK J. WEST
TYRONE O. WEST
TRENT M. WESTON
DARRELL T. WHITE
MATTHEW N. WHITE
CLAY T. WHITMAN
VANCE K. WHITT
BENJAMIN T. WILLIAMS
BRENT S. WILLIAMS
DONYEL L. WILLIAMS
KARIF T. WILLIAMS
SONIA S. WILLIAMS
ADLAI W. WILLIAMSON
ERIC N. WILSON
JASON P. WILSON
KENTRELL R. WILSON
DARA L. WINNEY
CHRISTIAN R. WOLLENBURG
SETH M. WOMACK
JUSTINE R. WONG
LOREN Y. WONG
ADAM C. WOODBURY
ERIK J. WRIGHT
ERIK R. WRIGHT
JAMIE R. WRIGHT
BENJAMIN J. WU
KELLY M. YARD
ALEX H. YI
YONG YI
VICTOR M. YINH
PHILIP T. ZAPIEN
JASON A. ZERUTO
BRYAN D. ZESKI
MICHAEL D. ZIBERT
NIKOLAUS ZIEGLER
MATTHEW A. ZIMMERMAN
DANIEL N. ZISA
JEREMY M. ZOLLIN
D010577
D010957
D010386
G010006
G010121
D010648
G001454
D010489
G010092

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

EDWARD C. ADAMS
MICHAEL M. ADAMS
RANDALL J. ADAMS
ALLISON C. AGUILAR
ANTHONY B. AGUILAR
MELISSA A. AGUILAR
MARTIN AGUIRRE
ARNALDO C. ALBORNOZ
BILLY J. ALEXANDER
JASON M. ALEXANDER
WALTER T. ALLARD
JASON D. ALLEN
KIMBERLY N. ALLEN
RONALD M. ALLEN
TIMOTHY L. AMBROSE
MARTIN D. ANDERS
DANIEL J. ANDERSON
JON C. ANDERSON
KARO M. ANDERSON
NICHOLAS K. ANDERSON
PATRICK J. ANDERSON
RICHARD H. ANDERSON
RICHARD S. ANDERSON
GRAYSON F. ANGUS
ADAM D. ANTONINI
ANTHONY APPLEGATE
ALEX A. AQUINO
BAUDELIO ARIAS, JR.
DAMON T. ARMENI
ADAM W. ARMSTRONG
DOUGLAS A. ARMSTRONG
MICHAEL C. ARNONE
DAVID E. ARROYO-BURDETT
NIKOLAS J. ASARO
GEORGE J. ATHANASOPOULOS
JAMES A. ATTAWAY
FREDERICK J. BABAUTA
JUSTIN L. BABCOCK
SEAN M. BADWOUND
STEWART D. BAILEY
MICAH I. BAKER
MARIUS B. BALAS
ANDREW K. BARHAM
JAMES P. BARNHART
ANDREW T. BASQUEZ
CRYSTAL B. BATEY
JAMES A. BATTLE
AARON B. BATY
CHRISTOPHER O. BEAL
STEVEN W. BEARD
ADAM BEATON, JR.
HERBERT F. BECK
MICHAEL F. BECK
CRAIG T. BEESE
SCOTTIE J. BENSON
GEORGE E. BERNDT
TRAVIS BETZ
TIMOTHY P. BIART
RAYMOND H. BIJOLLE
AARON L. BILLINGSLEY
JAMES C. BITHORN
JOSEPH C. BLACK
DAVID W. BLACKWELL
CHRISTIAN D. BLEVINS
KWAME O. BOATENG
JENNIFER J. BOCANEGRA
STEPHAN R. BOLTON
ROBERT E. BONHAM
JEFFREY P. BOTTRELL
JEREMY J. BOUDREAUX
MATTHEW J. BOWMAN
KEVIN L. BOYD
STEPHEN R. BOZOVICH
BRANDON D. BRADLEY
PATRICK M. BRADLEY
JOSEPH W. BRADSHAW

EVAN W. BRAINERD
ROBERT M. BRANDSTETTER
SCOTT L. BRANDT
ELLINORE S. BRANDY
RICARDO BRAVO
JOSEPH O. BREEDLOVE
CHARLES S. BRINK
JONATHAN M. BRITTON
JIM A. BROCKINGTON
CURTIS E. BROOKER
CLINTON E. BROOKS
CLINTON W. BROWN
CODY H. BROWN
DAVID L. BROWN
MARK L. BROWN, JR.
MACKLAND H. BROWNELL
MARQUES A. BRUCE
LARRY BRUEGGEMEYER
DAVID A. BRUNAIS
STEPHEN W. BRUNK
MARK A. BUCK
BRIAN W. BURBANK
JOHN L. BURBANK
JEFFERSON D. BURGES
MEGAN T. BURKE
NEYSA N. BURKES
SEAN C. BURNETT
NATHANAEL O. BURNORE
COREY L. BURNS
THOMAS W. BURNS
CHRISTOPHER L. BURTON
MARK E. BUSH
PAUL S. BUTTON
JOHN W. CAHILL
BRIAN L. CALDWELL
KEVIN J. CAMARATA
DAVID R. CAMPBELL
KYLE I. CAMPBELL
NATASHA N. CAMPBELL
JUAN C. CANCEL
DANIEL B. CANNON
JACOB W. CAPPS
YOVANA CARDENAS
STEVEN M. CARMICHAEL
SEAN T. CARMODY
CHRISTIAN A. CARR
THOMAS CARROLL
JAMES E. CARSON, JR.
CHRISTOPHER J. CARTER
CORY J. CARTER
ADAM V. CARUSO
SEAN M. CASE
BILLY B. CASIDAY
PABLO CASTRO
MAX E. CAYLOR
THOMAS CHAE
CHRISTOPHER S. CHAFFIN
NICHOLAS B. CHALLEN
BENJAMIN T. CHANNELS
JESSE R. CHAPIN
DAVID T. CHAPMAN
COLIN D. CHAPPELL
CHAUNCEY M. CHAPPELLE
NORVEN J. CHARLES
ADRIAN M. CHEN
JIMMY T. CHEN
LUIS M. CHESHIRE
TIMYIAN CHEUNG
LUKE T. CHIVERS
HONG N. CHOE
COLLEEN K. CHRIST
PEARL H. CHRISTENSEN
KRISTOPHER P. CHRISTL
JOSHUA T. CHRISTY
THOMAS R. CHURCH
DANIEL J. CICCARELLI
SCOTT D. CLARE
JOSEPH A. CLARK
LEWIS CLARK II
CHARLES W. CLAYPOOL
ADAM C. CMEREK
CHRISTOPHER L. COATES
GREGORY W. COATS
MICHAEL D. COLBURN
JOHN T. COLLINS
ARIS J. COMEAUX
CHARLES W. COMFORT, JR.
BRANDON J. COOK
KENNETH D. A. COOK
MICHAEL D. COOKEY
ASHA S. COOPER
JAMES A. COPP
BRIAN L. CORBIN
JAMES P. CORBIN
WILLIAM B. CORDELL
AVON D. CORNELIUS II
JAMES L. COVINGTON
WARRICK G. CRAIG
JOHN D. CRAVEN
KEVIN E. CRONIN
JACOB M. CROSS
RONALD S. CROWTHER
DAVID M. CULVER
RUSSELL O. CUMMINGS
WILLIAM T. CUNNINGHAM
MATTHEW E. CURL
EDWARD M. CUSTER
ROBERT C. CUTHBERTSON
PAUL A. CUTTS
WADE M. CZAJKOWSKI
MICHAEL G. DABBS
KEVIN E. DAGON
JENNIFER A. DAHL
TODD A. DANA
CLAY E. DANIELS
MORISSE L. DANIELS, SR.
NICHOLAS S. DAUGHERTY
STEVEN C. DAVIES
DAMASIO DAVILA
ANDREW L. DAVIS II
MARVIN D. DAVIS
NANSHANTA B. DAVIS
NATHANIEL M. DAVIS
MATTHEW J. DAY
CASEY A. DEAN
TODD A. DECA
TIMOTHY J. DECKER II
TIMOTHY W. DECKER
RENE M. DELAFUENTE
DUSTIN E. DELCOURE
PAUL N. DELEON
HENSON DELTANG
PHILIP A. DEMME
CHRISTOPHER DENATALE
JONPAUL E. DEPREO
MICHAEL G. DESTEFANO
SCOTT C. DEWITT
JAMIE D. DOBSON
KEVIN S. DODSON
MICHAEL G. DOLAN
JEFFREY M. DONALDSON
DANIEL B. DOWNS
DERRICK G. DRAPER
DERRICK S. DRAPER
MATTHIAS W. DREHER
DENNY D. DRESCH
RAYMOND E. DRESCH
TIMOTHY J. DRISCOLL
DEREK G. DROUIN
ANTHONY G. DUNAT
FRANK R. DUVERGER III
PAILY EAPEN
TROY D. ECK
HAROLD G. EDDY
CHRISTOPHER R. EIDMAN
DEREK J. ELDER
LINDSEY M. ELDER
GREGORY R. ELDRIDGE
DAVID M. ELLIOTT
RICHARD S. ELLIOTT
TRAVIS W. ELOLF
JORDAN D. ENGER
MICHAEL J. ENGLUND
ALAN J. ENKE
VINCENT P. ENRIQUEZ
DEREK E. ENSLOW
ANDREW S. EVANS
PHILLIP J. EWELL
CASSANDRA V. FACCIPONTI
ANTHONY B. FALCON
BRYAN G. FANNING
KITE S. FAULKNER
SCOTT T. FEATHERS
TROY A. FELTIS
JEFFREY S. FERGUSON
JERALD M. FERGUSON
VASHON W. FERGUSON
ENNIS C. FERRELL
DAVID J. FERRY
ROBERT A. FERRYMAN
MICHAEL FILANOWSKI
ANGELINE D. FIMBRES
MARK N. FINNEGAN
CANDACE N. FISHER
BRENDAN D. FITZGERALD
HERBERT H. FLATHER
WILLIAM M. FLATHER
TOBIN C. FLINN
RUFINO B. FLORES
HERIBERTO FLORES-SANCHEZ
JEFFREY H. FOISY
BENJAMIN H. FOLLANSBEE
MATTHEW E. FONTAINE
JACQUE L. FONTENOT
JEROME L. FORD III
CHRISTOPHER D. FOREMAN
BRIAN G. FORESTER
LANCE J. FOUNTAIN
MATTHEW M. FOX
NICK S. FRANCOIS
ANTHONY E. FREUDE
JOHNNY R. FRY
WALTER FUATA
JEREMIAH L. FURNIA
BRIAN K. GADDIS
RYAN J. GAINEY
DONALD F. GALSTER
BRETT A. GAMBACORTA
CHRISTOPHER R. GAMSTON
COLIN J. GANDY
ASHLEY R. GARDINER
THOMAS N. GARNER
WILLIAM C. GARRISON
THOMAS M. GARVEY
MARK J. GEISLER II
TRENT D. GEISLER
BERNARD F. GERDING
CHRISTOPHER C. GETTER
CRAIG A. GIANCATERINO
CALVIN D. GIBSON
CHRISTOPHER W. GIDEON
FREDERICK B. GILES
KRISTOPHER T. GILLETT
IAN M. GINTY
ALEX L. GLADE
JARRAD D. GLASENAPP
PAUL D. GODSON
JONATHAN B. GODWIN
DANIEL A. GOMEZ
TAMARA S. GONZALES
KYLE E. GOODRIDGE
JUSTIN B. GORKOWSKI
CHAD M. GOSNEY
TAYA C. GRACE
NICHOLAS P. GRAHAM
JOHN D. GRANLUND
GEORGINA M. GRANVILLE
WILLIAM C. GRAVES
CHRISTOPHER M. GREEN
EMILY W. GREEN
GREGORY S. GREEN
RYAN M. GREENAWALT
ROBERT H. GREGORY
MICHAEL A. GRETZ
SIMON P. GRIMM
DENNIS A. GRINDE
JASON M. GRUBB
EDMUND A. GUY
LUIS O. GUZMAN
TIMOTHY A. HAEBERLE
CHARLES W. HALL
HEATHER M. HALL
BRANDON R. HAMILTON
BRENT A. HAMILTON
BRIAN M. HAMILTON
MICHAEL A. HAMILTON
JOSEPH L. HANDKE
BRADLEY D. HANSELL
BRYCE N. HANSEN
JASON R. HANSON
JASON M. HARLAN
ROBERT B. HARLESS
CHAD E. HARMON
JASON L. HARMON
ANDREW J. HARRIS
TIMOTHY R. HARRIS
MICHAEL D. HARRISON
JASON K. HART
JASON A. HARTLEY
JUSTIN E. HAWTHORNE
DANIEL R. HAYES
GREGORY H. HAYES
PAUL C. HAYNSWORTH
ROBERT R. HAYWARD
ROBERT D. HEFFNER
WILLIAM S. HEFRON
JESSICA F. HEGENBART
PADRAIC T. HEILIGER
GLENMORE HEILMAN
MATTHEW J. HEIMERLE
ANTHONY F. HEISLER
MATTHEW D. HEITZ
RICK B. HELTON
STEVEN M. HEMMANN
DAVID D. HENDERSON
BRAD R. HENRY
PHILIP G. HENSEL
MICHAEL J. HERBEK
GUY E. HERR
ROBERTO HERRERA
BROCKTON L. HERSHBERGER
WILLIAM M. HERTEL
RYAN G. HESTER
MICHAEL T. HETTICK
SEAN M. HEVEY
GREGORY S. HICKERSON
DANIEL A. HILL
JOHN P. HILL
JOSHUA L. HILL
TIMOTHY R. HINES
JOHN P. HINTZ
JOHN F. HLAVATY
DANIEL G. HODERMARSKY
MATTHEW A. HODGES
CHAD E. HODKINS
CORY L. HOEKSEMA
ANDREW J. HOEPRICH
SEAN P. HOEY
BRUCE L. HOFFMAN, JR.
TIMOTHY D. HOGAN
BRIAN C. HOLLIEN
OTHA J. HOLMES
DOUGLAS N. HOLT
TIMOTHY E. HORNIK
CLIFFORD T. HOWARD
ANTHONY T. HOWELL
BRODIE K. HOYER
RONALD J. HUDAK
KATHERINE F. HUET
ALBERT J. HUGHES
GRAHAM D. HUGHES
JASON E. HULSEY
MICHAEL B. HULTQUIST
JOSHUA A. HUNTER
DANIEL E. HURD
MICHAEL T. HUTCHINSON
SHAWN P. HUTSON
AMY N. HUTTER
RUDDIE E. IBANEZ
NKECHI P. IHEME
DAVID M. IKE
CHRISTIAN D. INCREMONA
JOSEPH R. INGE, JR.
EARL INGRAM III
STEPHEN H. IRVING
TREVIS C. ISENBERG
MICHAEL T. ISHIDA
CHRISTOPHER A. IZQUIERDO
BRANDON C. JACKSON
MARK A. JACKSON
VINCENT L. JACKSON
KEVIN P. JAMES
MATTHEW L. JAMISON
LYNDA JEAN
TAWANDA S. JENKINS
ERIC L. JENSEN
GRANT E. JERRY
ANDREW C. JOHANNES
JOHN K. JOHANNES
COLIN M. JOHNSON
ELSA L. JOHNSON

JENNIFER L. JOHNSTON
LONNI I. JOHNSTON
MARK R. JOHNSTONE
CHAD L. JONES
DAVID R. JONES
GREGORY E. JONES
JASON S. JONES
RICHARD M. JONES
RUSSELL A. JONES
SCOTT C. JONES
NATHANAEL E. JOSLYN
TARA A. KAISER
JACOB M. KALDOR
DANIEL M. KANE
KEVIN P. KANE
JOHN A. KARCHER
ERIK W. KARSTENSEN
KEITH C. KATZENBERGER
CHRISTINE L. KAY
MICHAEL R. KAY
LORI A. KEENER
GRACE K. KELLY
RYAN M. KELLY
WILLIAM E. KEMERLING
JULIAN T. KEMPER
EMIL J. KESSELRING
CHRISTOPHER P. KIDDER
MICHEAL D. KIESER
EDWARD M. KIM
EDWIN T. KIM
SAMUEL KIM
DAVID B. KIMSEY
AARON B. KING
ROBERT M. KINNEY
DANIEL J. KINSELLA
KYLE W. KIRBY
SHARON K. KIRCHER
ANDREW M. KLIPPEL
JARROD K. KNOWLDEN
RICHARD L. KNOX
RICHARD P. KOCH
JARED K. KOELLING
SCOTT W. KOHRS
JOSEPH A. KOPCHA
JUSTIN R. KOPER
DAVID L. KORMAN
RYAN C. KORTZE
MICHAEL A. KRAYER
JERALD H. KUBICEK
ERIC M. KUENKE
KLINT E. KUHLMAN
BRIAN A. KUNIHIRO
DANIEL D. LABAR
JOHNATHAN B. LADSON
THOMAS A. LAINIS
JOHN M. LANCASTER, JR.
JOHN J. LANDERS
WILLIAM F. LANEY
SETH E. LANGSTON
RYAN M. LAUGHNA
DANIEL M. LAVOIE
ORRETT D. O. LAWRENCE
ASHLEY B. LEA
DANIEL R. LEARD
GENNELLE J. LEE
STEPHEN C. LEE
YONG J. LEE
SCOTT W. LEIFKER
CHRISTOPHER M. LEINBACH
JOHN D. LEITNER
MICHAEL LEIVA
MARK S. LEMANSKI
TIMOTHY J. LEONE
EDWARD B. LESCHER
CHRISTOPHER A. LEVESQUE
ISAAC E. LEWELLEN
ANDREW R. LEWIS
CHARLES D. LEWIS
LAWRENCE J. LEWIS
RANDY L. LEWIS
DANIEL W. LICHLYTER
JOSEPH M. LILLY
DOUGLAS T. LINDSAY
ERIC V. LIVENGOOD
MICHAEL E. LOCONSOLO
ETHAN LOEFFERT
PATRICK J. LONG
CHRIS J. LOPEZ
SCOTT D. LORENZEN
NICHOLAS W. LOUDON
MICHAEL R. LOUER
GRADY D. LOWE
DAVID M. LUCAS
STEPHEN M. LUCAS
BENJAMIN J. LUKOMSKI
RUDI H. LUSA
WILLIAM L. LYCKMAN
MICHAEL K. LYNCH
PATRICK MACRI
ULYSSES U. MAFNAS
JOHN F. MAGLIOCCA
DENNIS J. MAHER
TARA A. MAHONEY
BRIAN E. MAJOR
HEATH M. MAJOR
DYLAN W. MALCOMB
ANGEL L. MALDONADO
JAMES R. MALLICOAT
JASON A. MANGIARACINA
SCOTT B. MANSON
BRIAN J. MARCOTTE
BRETT A. MARDIS
DUSTIN E. MARLETT
ANTHONY E. MARQUEZ
DALE F. MARROU
ANDREW W. MARSH
ANTHONY L. MARSTON
ANTOINE W. MARTIN
JONAH J. MARTIN
PHILIP S. MARTIN
TIMOTHY E. MARTIN
GABRIEL I. MARTINEZ
JOSEPH A. MARTINEZ
ARI M. MARTYN
ERIK D. MASICK
ANDREW S. MASON
RAYMOND A. MASZAROSE
BRIAN MATHISON
JOHN D. MATSINGER
YLLAN P. MAXWELL
JOSHUA B. MAY
DANIEL P. MAYEDA
AMANDA C. MCCARTHY
DIANNE V. MCCARTHY
JOSHUA S. MCCARTY
MATTHEW D. MCCARTY
BRIAN C. MCCLAIN
ANDREW L. MCCOLLUM
DAN J. MCCONNELL
MARK B. MCCOOL
NATHAN E. MCCORMACK
CASEY S. MCCOTTER
ADAM S. MCCOY
DAVID S. MCCUNE
MATTHEW D. MCDONALD
KURT J. MCDOWELL
BRENDAN J. MCEVOY
SEAN L. MCEWEN
DAVID C. MCKELVIN
STEPHEN R. MCKINNEY
JAMES K. MCKITTRICK
MICHAEL J. MCMORRIS
PAUL M. MCNAMARA
ODELLE J. MEANS
WAYNE P. MECKLEY
OTTY H. MEDINA
BRETT M. MEDSKER
MARTIN J. MEINERS
MEGAN C. MEINHOLZ
BRIAN J. MEISTER
RICHARD M. MENDENHALL
JOSE A. MENDEZ
KEVIN A. MERITHEW
BRIAN M. MERKL
JOEL J. MESA
JOSEPH R. MICKLEY
MICHAEL D. MIDDLETON
ERICKA M. MIER
RONALD D. MILDREN
NATHAN P. MILES
BRADLEY C. MILLER
JOSEPH J. MILLER
JOSEPH L. MILLER
TRENT D. MILLER
COURTNEY R. MILLS
KRISTOFFER T. MILLS
MATTHEW T. MINNICK
TIMOTHY MITCHELL
ROBERT K. MOCABEE
CHARLES A. MOFFIT
SEBASTIAN MONTAGNE
BRIAN A. MONTGOMERY
SCOTT R. MONTOYA
BILLY A. MOODY
MATHEW W. MOORE
NIKOLAI J. MOORE
CHARLES MOORES
BRIAN M. MORAN
MARK C. MORETTI
DAVID S. MORGAN
JOHN T. MORGAN III
GEORGE M. J. MORRIS
KATHERINE J. MORRIS
AARON E. MORRISON
MATTHEW J. MOUSSEAU
CHRISTOPHER W. MUELLER
STEVEN D. MUELLER
JEREMY A. MULLER
JUSTIN V. MULLINS
DAVID MUN
JONATHAN D. MURDOCK
JONATHAN W. MURPHY
PATRICK M. MURPHY
JASON A. MURRAY
DAVID R. MYERS
MARCUS T. MYERS
TARAN G. MYRICK
JONATHAN C. NADLER
BENJAMIN J. NAGY
ROBERT W. NAHABEDIAN
RAUB E. NASH
CULLY D. NEAL
MICHAEL E. NEAL
RUSTIN H. NECESSARY
CHAD M. NEIBERT
ERIC NELSON
JUSTIN J. NELSON
MATTHEW K. NELSON
THOMAS M. NELSON
MARK T. NEWDIGATE
BILL T. NGUYEN
BENJAMIN P. NICHOLAS
JARED W. NICHOLS
JUAN NIEVES-LOZADA
ANDREW D. NILSON
PATTON C. NIX
TIMOTHY E. NIX
KEVIN M. NOGLE
SEAN K. NOLAN
JERAMY R. NORLAND
EMILY A. NORTON
ALEKSANDAR G. NULL
CHARITY S. ODELL
ANTOINE D. OLIVER
WILLIAM S. OLIVER
LASHUNDRA N. OLLIE
MICHAEL S. OMODT
WILLIAM R. ORKINS
JOSEPH E. ORR, JR.
DAVID J. ORZECH
ADRIAN B. OUTLAW
ISMAEL OVALLE
LUCAS H. OVERSTREET
JONATHON T. PALUMBO
DAVID M. PANIAN
JEREMY L. PANKRATZ
ANTHONY B. PANKUCH
DEREK R. PARK
EIJOON PARK
JAIME L. PARKER
AARON G. PARKS
MICHAEL A. PARKS
VINCENT P. PARTICINI
ADAM L. PATTEN
CHARLES W. PATTERSON
PATTRIC R. PATTERSON
SHAWN R. PATTON
ADAM H. PAXTON
JOHN G. PAXTON
BRIAN C. PAYNE
SCOTT M. PAYNE
STEVEN F. PAYNE
SAM M. PEARSON III
DANIEL J. PECHA
ALEXANDRO N. PEDRAZA
STUART H. PEEBLES
JAMES B. PENCE
JOHN R. PENDON
WOODROW D. PENGELLY
HEATH D. PENGILLY
GLENN B. PENNER
NEIL E. PENTTILA
CHRISTOPHER R. PENWARDEN
CARLOS M. PEREZ
JOHN A. PERNASELLI
KRISTOPHER S. PERRIN
VALENTE I. PERRY
ZACHARY J. PETERSON
URBAN M. PICARD
WESLEY P. PIERCE II
JOE C. PIMENTEL
LUKE A. PLESSINGER
MORGAN C. PLUMMER
MICHAEL J. POCHE
GREGORY R. POLK
JAMES B. POLK
SHAWN P. POLONKEY
JOHN A. POORE
STONEY L. PORTIS
MICHAEL A. POWELL
MITCHELL C. POWELL
GORDON E. POWERS
JOSHUA D. POWERS
TYRONE B. POWERS
JASON E. POYSER
NEIL S. PRAKASH
THOMAS F. PRATT
RICHARD T. PRESLEY
JOSEPH L. PRESUTTO
TIMOTHY A. PRICE
WILLIAM M. PRIDDIS
JEREMY D. PRINCE
JUSTIN M. PRITCHARD
JUSTIN B. PULLEN
JOSHUA A. PUSILLO
JASON W. PUTTEET
MAURO QUEVEDO, JR.
DANIEL K. QUINN
JOSEPH M. QUINN
GEORGE T. RABB
STEVEN M. RACHAMIM
JASON D. RATHBUN
JOHN P. J. RAUH
MATTHEW G. RAWLINGS
NICHOLAS J. RAYES
NATHAN E. RAYMOND
JOSEPH A. REAGAN
ROBERT S. REECE
MICHAEL J. REED
MARCUS D. REEDER
DEREK M. REEVES
JOHN D. REID
MICHAEL J. REPASKY
REBECCA L. RESENDES
RICHARD D. REVEL
JOSE A. REYES
BRYAN H. RHEE
ANDREW M. RHODES
JOHN R. RHODES
GEORGE R. RIGGIN
MICHAEL J. RIGNEY
JACOB J. RING
BENJAMIN R. RITTER
CRISTIAN A. ROBBINS
JOSHUA D. ROBERTS
JASON P. ROCKS
ELPIDIO RODRIGUEZ
ROBERT R. RODRIGUEZ
DAVID F. ROMAN
ADAM T. ROPELEWSKI
JACOB E. ROPER
MARK V. ROSS
SCOTT W. ROST
JEFFREY W. ROTTENBERG
CHARLES O. ROUZER
BRENDAN D. ROWE
GREGORY S. ROYSE
MARKO N. RUBICH
JOHN P. RUDIO
BRADLEY D. RUDY
PAUL H. RUOPP III

LAMONTE C. RUSSELL
JOSEPH M. SAHL
ERIK B. SALUS
ALEXANDER D. SAMMS
JACK E. SAMPLES
IREKA R. SANDERS
RAUL SANDOVAL
SHANE T. SANDRETTO
YAJAIRA SANTIAGO
ROBERTO SANTIAGO-MARTINEZ
BRIAN T. SCHAPKER
AARON M. SCHEER
GERRITT S. SCHELLIN
KEVIN P. SCHIEMAN
PIETER C. SCHLEIDER
RYAN J. SCHLOESSER
JONATHAN M. SCHLOICKA
JOSHUA L. SCHNEIDER
ROSS J. SCHUCHARD
RANDY M. SCHULTZ
JEREMY R. SCHUNKE
AARON T. SCHWENGLER
ALLIE M. B. SCOTT
JEREMY D. SCOTT
DAVID M. SEAY
NICHOLAS S. SEIDEL
PETER W. SEILS
DANIEL W. SELKE
DAVID SEMIDEY
NICHOLAS J. SERRE
ANDREW F. SHAFFER
PAUL R. SHEPARD
CHRISTOPHER J. SHEPHERD
JOSHUA M. SHERER
JASON M. SHICK
TERRIE W. SHIN
GREGORY P. SHIPPER
DANIEL K. SHIRES
JASON T. SHUFF
JEREMY D. SHUTE
ERIC SIBLEY
WILLIAM T. SIMPSON, JR.
SAMUEL E. SINCLAIR
PAUL D. SIPE
DENNIS M. SKELTON
SEAN R. SKRMETTA
ERIC S. SLATER
LUCAS D. SLINKER
AMANDA L. SLUGA
GREGORY C. SMEDLEY
SCOTT M. SMILEY
AUDREY J. SMITH
DWIGHT O. SMITH
JENNIFER L. SMITH
KEVIN G. SMITH
MARY M. SMITH
RYAN L. SMITH
MARK S. SNOWBARGER, JR.
ROBERT C. SNYDER III
JOSEPH S. SOKOL
DOUGLAS R. SOLAN
ERIC Y. SOLER
BRENNAN M. SPEAKES
ALLEN W. SPENCE
DAVID E. SPENCER
ANDREW J. SPRING
JEAN L. SPRINGER
NATHAN A. STAHL
DAVID J. STALKER
WILLIAM S. STCLERGY
BRIAN J. STEENO
BENJAMIN W. STEGMANN
RAYMOND L. STELKER
PAUL A. STELZER
DARRELL V. STEPTER
ZACHARY D. STERRETT
LARRY STEWARD
WARREN B. STEWART
ADAM M. STINE
MICHAEL R. STOCK
THOMAS R. STOCKTON
BOB J. STONE
CHRISTIAN L. STONE
MATTHEW W. STPIERRE
MATTHEW A. STRAND
MICHAEL A. STREETER
JOSHUA M. STURGILL
PATRICK J. SULLIVAN
SEAN M. SUMMERS
JASON M. SUMNER
DANIEL D. SUNDBERG
SCOTT A. SWAIDNER
MATTHEW T. SWAIN
JUSTIN J. SWANSON
DANIEL K. SYMONDS
BENJAMIN M. SYMONETTE
PATRICK B. TABIN
TRAVIS W. TALLMAN
AARON M. TAPALMAN
ROBERT A. TARR
BARTON L. TATE
DANIELLE C. TAYLOR
MICHAEL J. TAYLOR
PATRICK J. TAYLOR
EMILIANO TELLADO
JAMES D. TEMPLIN
DAVID L. TERVIN
JASON G. THOMAS
PATRICK M. THOMAS
JAMES L. THOMASSON
ROBERT L. THOMSON
MICHAEL A. THURMAN
ANDREW R. TILL
STEVEN W. TIPA
JOHN B. TIPPETT III
MATTHEW W. TODD
MARK D. TOMOLA
TODD M. TOMPKINS
JUSTIN R. TOOLE
SANTINO M. TORRES
DANIEL F. TOWER
DARREN C. TOWER
ANTHONY D. TOWNSEND
CHRISTOPHER B. TREUTING
TAD T. TSUNEYOSHI
JAKE L. TURNER
JAMES M. UPSON
COLIN E. VANCE
ROBIN W. VANDEUSEN
PETER C. VANGJEL
IAN S. VANGORDEN
SHAWN J. VANTASSELL
JOSEPH P. VANTY
JASON S. VELASCO
ARTHUR VERESS
STEVEN A. VEVES
JONATHAN A. VILLASENOR
THOMAS C. VISEL
JEREMY B. VOGEL
PATRICK D. VOGT
KEVIN R. WADDELL
DANIEL R. WAGNER
WINDY R. WALDREP
ELIZABETH N. WALGREN
CHARLES E. WALKER
CHARLES R. WALKER
DANIEL J. WALKER
JEFFREY P. WALKER
WAYNE J. WALKER
WILLIAM L. WALKER
JOHN P. WANJA
GARY WARD
KENNETH A. WARD
KEVIN M. WARD
LLOYD E. WARREN
CHRISTOPHER L. WATKINS
RICHARD A. WATKINS
RICHARD M. WATT
JAMES F. WATTS
JASON R. WEBB
ROBERT D. WEBB
STEVEN J. WEBER
LAURA R. WEIMER
ALEXANDRA E. WEISKOPF
MICHAEL J. WEISMAN
KEVIN E. WELBORN
JOSEPH Z. WELLS
WADE W. WELSH
KEVIN G. WERRY, JR.
JOSHUA WEST
TARA K. WEST
BRIAN J. WHITE
KEVIN C. WHITE
THOMAS L. WHITEHOUSE
JOHN D. WHITING
BRYAN J. WHITMER
SHANE A. WHITTEN
KIPPEN B. WICKWIRE, JR.
GAGE L. WIENTJES
ROBERT J. WILEY
ANTHONY I. WILLIAMS
DANIEL M. WILLIAMS
DENNIS R. WILLIAMS
FREDERICK D. WILLIAMS
CHRISTOPHER A. WILSON
ROBERT G. WILSON
JASON A. WINKELMANN
JOHN H. WITHERS
MARCUS P. WONG
BONNIE L. WOOD
BRITTANY Y. WOODS
MATTHEW P. WOOLSEY
JOHN J. WORLAND
JEFFREY S. WRIGHT
TIMOTHY C. WYCOFF
ANDREW K. YANG
DERRICK A. YOHE
CHAD A. YOUNG
PETER J. YOUNG
MICHAEL E. ZIEGELHOFER
MATTHEW D. ZIOBRO
D011050

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

ASHLEY A. HOCKYCKO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JASON A. LANGHAM

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

WILL J. CHAMBERS

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

PATRICK J. FOX, JR.
RUOHONG LIU
JOEL B. SOLOMON
LESLIE H. TRIPPE

EXTENSIONS OF REMARKS

TRIBUTE TO WILLIAM J. BOARMAN, 26TH PUBLIC PRINTER OF THE UNITED STATES

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. HOYER. Mr. Speaker, today I urge all Members to join in commending William J. ''Bill'' Boarman, who honorably and skillfully led the Government Printing Office, GPO, as the 26th Public Printer from January 3, 2011, to January 3, 2012.

Bill slashed agency spending dramatically by eliminating nonessential hires, cutting needless travel, restricting use of overtime and reducing the GPO's annual spending plan for 2011 by 15 percent. He held the line on salary increases consistently with the President's government-wide pay freeze. Bill created a specialized task force to collect funds owed to GPO and within months collected over a third of the money due, some outstanding for seven years.

To avoid potential lay-offs in the future, Bill authorized a buyout of up to 15 percent of his workforce, but excluding from eligibility employees in mission-critical positions. Together with his restrictions on new hires, the buyout plan achieved 94 percent of its goal and reduced the GPO's staffing to its lowest level in a century. This achievement will save GPO and taxpayers tens of millions of dollars in future years.

Bill also worked with the two appropriations committees to provide GPO with funding 15 percent below the prior year but which nonetheless assures GPO's ability to perform its essential functions. To address questions about the work GPO performs for Congress, Bill provided persuasive testimony on the value of the printing services that the GPO performs while at the same time ordering the first-ever survey of Congress's printing requirements. This precedent-setting work, which was commended by the House Appropriations Committee, resulted in the largest single-year percentage reduction in the number of printed CONGRESSIONAL RECORDS delivered to Congress since the GPO began to transition to online versions in 1994.

As a result of these and other efforts, Bill's annual report to Congress reported that the GPO ended the year with a net income of $5.6 million, a positive result validated by an external auditor. Yet Bill's leadership at the GPO was about more than cutting costs and improving financial returns. He made customer service GPO's primary strategic goal, a direction that earned the agency applause in a government-wide agency survey. He put GPO on Facebook and ordered the development and release of the GPO's first mobile Web application. While continuing the development of GPO's online Federal Digital System and the GPO's plan for a new automated composition system, he emphasized efficiency and agency control over the GPO's digital systems rather than ceding operations to contractors. He devised and won approval for a new annual investment and spending plan for the GPO that is 6 percent less than his previous year's plan, and which puts the GPO on a path finally to begin retiring several presses that are more than 30 years old.

In other areas of the GPO, Bill's achievements were equally impressive. For example, he pushed forward with aggressive plans to make more GPO space available for lease to other agencies, and at the end of the year the GPO was in active negotiations with several organizations. As a former proofreader at the GPO, his return to the agency restored confidence and bolstered employee morale. Under his watch the GPO observed its 150th anniversary, opening an exhibit of its history to the public and issuing a new book on its past, Keeping America Informed. Last month Bill made GPO history by appointing a highly qualified senior manager, Ms. Davita Vance-Cooks, as Deputy Public Printer, the first woman ever to hold that post, and with Bill's departure, she is today the first woman ever to head the agency.

Mr. Speaker, Bill Boarman's tenure as Public Printer set a new standard of achievement for his successors to emulate. In my judgment, the actions of a handful of Senators to block an up-or-down vote on the President's nomination of Bill Boarman deprived Congress, Federal agencies, and the American public of his faithful service during this time of difficult transition when most needed.

Regardless what may come next, Bill Boarman can leave the Government Printing Office confident that GPO is better than when he found it, and that he has left it in good and capable hands. Please join me in offering the thanks of a grateful Nation to a dedicated public servant. We wish Bill only the best.

PERSONAL EXPLANATION

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. SESSIONS. Mr. Speaker, on rollcall No. 113, had I been present, I would have voted, ''yea.''

HONORING KEVIN KOPP

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Kevin Kopp. Kevin is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1412, and earning the most prestigious award of Eagle Scout.

Kevin has been very active with his troop, participating in many scout activities. Over the many years Kevin has been involved with scouting, he has not only earned 31 merit badges, but also the respect of his family, peers, and community. Most notably, Kevin served as his troop's Patrol Leader and Bugler. Kevin also contributed to his community through his Eagle Scout project. Kevin restored a walking trail around St. Luke's Northland Hospital in Smithville, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Kevin Kopp for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN MEMORY OF FREDERICK J. GIORGI

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. HOLDEN. Mr. Speaker, it is with great sadness that I rise today to remember and honor the life of my good friend, Frederick J. Giorgi. Fred died on February 18, 2012, of natural causes at St. Joseph Medical Center in Reading, Pennsylvania.

Frederick Giorgi was born on December 3, 1930. He was the son of the late Pietro and Elvira Giorgi, natives of Ascoli Piceno, Italy. Fred was a proud 1948 graduate of Reading Central Catholic High School and received a Bachelor of Science degree in 1952 from Villanova University where he majored in Pre-Law/Accounting. He later received a Juris Doctor degree from Dickinson School of Law in 1955.

After earning his law degree, Fred served two years in the U.S. Navy before becoming a founding partner in the law firm of Austin, Boland, Connor, & Giorgi in Reading. During this time he worked part-time at the family business, Giorgio Foods Inc., and its related companies. In 1975, he left public practice to fully dedicate his time to the family business.

Until his passing, Fred was the chairman of F&P Holding Company with subsidiaries Giorgio Foods, Inc., Giorgi Mushroom, Co., Can Corporation of America, Maidencreek Plaza Co., and other companies in the U.S.A. and Can Pack S.A., with operations in Poland, the United Kingdom, Russia, Ukraine, India, UAE, Spain, France, Morocco, Romania, the Czech Republic, Slovakia, Turkey, and Brazil.

Fred's many personal and professional accomplishments were recognized with a number of awards, including a Career Achievement Award from Dickinson School of Law, an Award of Merit from Penn State University Department of Mushroom Science, and a 2005 Officer's Cross of the Order of Merit by the President of the Republic of Poland for outstanding contribution to the development of the Polish economy. In 2008, he was presented with a 50-year Membership Award by the Berks County Bar Association.

Fred's wisdom and energy instilled in his employees the desire and will to achieve well beyond expectations. He regarded his employees so highly that he never missed an opportunity to let them know they were his stars and rewarded them with company trips all around the world.

The charitable contributions Fred so quietly contributed to his local community, the international community, and his beloved church are too numerous to mention.

Fred will be greatly missed by his family, colleagues, friends, and all of the lives that he touched with his loyalty, compassion, generosity and humor.

Mr. Speaker and fellow colleagues, please join me in remembering my dear friend, Fred Giorgi.

TRIBUTE TO CHAIRMAN LARRY HYLAND AND THE SENIOR CITIZENS LEAGUE BOARD OF TRUSTEES

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. McINTYRE. Mr. Speaker, I am here to congratulate Larry Hyland, the Chairman of The Senior Citizens League (TSCL) and its Board of Trustee members for their work in educating the public and Congress about issues of utmost importance to America's seniors. The Senior Citizens League represents over 1 million members nationwide and 3,844 in my Congressional district.

The Senior Citizens league is a non-profit, non-partisan organization headquartered in Alexandria, Virginia, that strives to educate millions of seniors and Members of Congress through senior faxes, e-alerts, Public Service Announcements, newspapers ads, direct mail, and publications such as a monthly newsletter—The Advisor.

Five members of The Retired Enlisted Association (TREA) work tirelessly for The Senior Citizens League as non-paid volunteers to help our most elderly and low income seniors: TSCL Chairman Larry Hyland, Vice Chairman Thomas O'Connell, Treasurer Edward Cates, Secretary Charlie Flowers, and PAC Treasurer Michael Gales. In addition, TREA Liaison Arthur Cooper and Past TSCL Chairman Daniel O'Connell also serve on the Board of Trustees.

Chairman Larry Hyland retired from the U.S. Air Force as a senior master sergeant. During the Vietnam War era, Hyland was an aircraft crew chief flying on missions into and out of Vietnam and flew in the evacuations of 1975. After active duty, he launched a small business and later entered Federal civil service working for 16 years before retiring from the office of the Air Force Director of Operations, Deputy Chief of Staff for Operations, Plans and Requirements, Headquarters U.S. Air Force, Washington DC.

Vice Chairman Thomas O'Connell served in the U.S. Army including service as Division Logistics NCO. His experiences as a high school teacher, author, and librarian have facilitated his work on the TSCL Board of Trustees. He participates in many local community organizations in Westerly, RI.

Treasurer Edward Cates served in the U.S. Army National Guard, U.S. Air Force from 1965 to 1996. He serves as the principal financial officer for TSCL and also as the Treasurer of the TREA Memorial Foundation. Cates is 1st Vice President of TREA Chapter 1 in Colorado Springs, CO.

Secretary Charlie Flowers served in the U.S. Air Force for over 21 years. He has served as the National President of TREA. Also, he served on the TREA National Board as a Director and as National Parliamentarian. He resides in Denver, CO.

Michael Gales served in the U.S. military for 27 years and is a lifetime member of TREA since 1988. He is active in his community and he serves as President of the Patterson Avenue Improvement Association in Baltimore, MD.

TREA Liaison Arthur Cooper served in the U.S. Army for over 20 years, completing his last tour as a Department of Nursing Education NCOIC. He currently serves as the National President of TREA. Cooper resides in Gambrills, MD.

Immediate Past TSCL Chairman Daniel O'Connell served in the U.S. Air Force for 29 years, retiring as a chief master sergeant. His U.S. Air Force career included service as the Training NCO for the Queens College ROTC Program. O'Connell also worked in protocol at the Air Force Space Command in Colorado Springs where he retired as Director of Protocol.

The TSCL Board visits Capitol Hill in Washington several times a year to personally meet with Members of the U.S. House and Senate to consult with them about seniors' issues. TSCL is especially interested in Social Security remaining solvent and preserved for future generations.

Under the leadership of Chairman Larry Hyland, The Senior Citizens League has strictly adhered to its non-partisan status. Most notably, Chairman Hyland has guided TSCL in its movement toward a more broad-based and multi-issue organization. TSCL has become a leader on issues such as U.S.-Mexico Totalization (via FOIA documents), a Social Security COLA to be based on a Consumer Price Index for the Elderly, Social Security Guarantee, Social Security Trust Fund Lock-Box, and Social Security Notch Fairness.

Each of the Board members has rendered military service to their country, and each has worked tirelessly to speak in behalf of seniors and The Senior Citizens League. Several Members of Congress thanked them personally for showing up in their offices, saying: "we never see representatives of some other senior groups, but your organization always visits us."

Their determination to assist the most worthy and needy of our citizens is commendable.

HONORING TIMOTHY M. MATTHEWS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Timothy M. Matthews. Tim is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 28, and earning the most prestigious award of Eagle Scout.

Tim has been very active with his troop, participating in many scout activities. Over the many years Tim has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Tim contributed to his community through his Eagle Scout project. Tim planned and constructed a flag pole for all veterans of the United States military and to honor their service and sacrifice.

Mr. Speaker, I proudly ask you to join me in commending Timothy M. Matthews for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE HONOREES OF THE MID-MAINE CHAMBER OF COMMERCE AWARDS

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. MICHAUD. Mr. Speaker, I rise today to recognize the Honorees of the 2012 Mid-Maine Chamber of Commerce Annual Awards Dinner. The Mid-Maine Chamber of Commerce serves the people and business community of the greater Waterville area, working with the business community to strengthen economic opportunity throughout the region and the state.

Each year, the Mid-Maine Chamber recognizes some of the outstanding businesses and individuals that make Maine "the way life should be" for all Mainers and Maine businesses. These individuals and businesses are committed to strengthening opportunity and prosperity in Maine.

This year's award recipients include Gil Pelletier, recipient of the Distinguished Community Service Award; Central Maine Disposal, Business of the Year; Pamela Kick of Pinnacle IT, Business Person of the Year; Dr. Barbara Covey of the MaineGeneral SAFE Program, Outstanding Professional of the Year; the Waterville Public Library, Community Service Project of the Year; Bruce Harrington of the Bank of Maine, "Rising Star" Award; and Darla Frost of Kennebec Federal Savings, the Customer Service Stardom Award.

These recipients are among the best that Maine has to offer. Through their leadership and incredible commitment to their communities and the region, Maine is a better place to live and do business.

Mr. Speaker, please join me in congratulating the Mid-Maine Chamber of Commerce and these individuals on their outstanding service and achievement.

HONORING BAHER MICHEL

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. OLSON. Mr. Speaker, I am privileged to interact with some of the brightest students in the 22nd Congressional District who serve on

my Congressional Youth Advisory Council. I have gained much by listening to the high school students who are the future of this great nation. They provide important insight into the concerns of our younger constituents and hopefully get a better sense of the importance of being an active participant in the political process. Many of the students have written short essays on a variety of topics and I am pleased to share these with my House colleagues.

Baher Michel is a senior at Clements High School in Fort Bend County, Texas. His essay topic is: Select an important event that has occurred in the past 50 years and explain how that event has changed our country. Baher chose Marbury v. Madison.

The United States Supreme Court is often a spring of controversy. With Marbury v. Madison the Court has ''judicial review'', power to deem any type of legislation as constitutional or unconstitutional, and thus, void. In other words, any government action or law can be challenged, brought in front of the Court, and whatever the Justices decide is final. The fact that it holds such enormous power in government but yet is comprised of a few unelected appointed Justices is perplexing. How can five, nine, or even ten individuals possibly reflect the American public opinion?

To claim that the Supreme Court is insular if not isolated of the real world would not be so outlandish of a claim. The fact that Justices are appointed and not elected by the general public is one indicator of a direct deviation from the public's opinion. Another is the fact that Justices serve in the Supreme Court for life (unless they are convicted and impeached or they retire). Thus, while public society and opinion may and inevitably evolves, appointed Justices remain in power, succeeding to not reflect nor mirror the public's changing opinion. Contenders might claim that such ''insularity'' is actually beneficial because the Supreme Court is not designed to reflect public opinion, but rather to merely interpret the Constitution. But then again, how can only nine people decide on what the Document meant as it relates to today's cases?

While the Supreme Court does seem sovereign of public opinion, it is not completely secluded from it. A Justice appointee cannot make it to the Court unless voted on by the United States Senate, comprised of directly elected senators. So in essence, Justices should reflect public opinion not only because the elected President chooses them, but also because the Senate confirms them.

In conclusion, it may appear undemocratic and thus paradoxical that one of our most powerful branches in government is comprised of unelected officials. However, it must also be stated that such sovereignty actually shields Justices from faltering with the public's ceaseless waves of ever-changing beliefs, emotions, and culture.

PERSONAL EXPLANATION

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. SESSIONS. Mr. Speaker, on rollcall No. 116, had I been present, I would have voted ''nay.''

A TRIBUTE TO THE McCLUER NORTH HIGH SCHOOL STARS, WINNERS OF THE MISSOURI CLASS 5 STATE TITLE FOR BASKETBALL AND STATE CHAMPIONS

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. CLAY. Mr. Speaker, I rise today to pay tribute to Missouri's own Class 5 State Basketball Champions, the McCluer North High School Stars.

McCluer North basketball and winning championships have become synonymous with one another, thanks to the tireless leadership of head coach Randy Reed and his group of determined and talented young men. High school students Alex Bluiett, Greg Brown, Galen Brown, Terrance Bush, Damon Clemons, Jacari Finley, Tremayne Garrett, Jordon Granger, Dorian Holland, Keith Jones, Mario McCoy, Bryon Ray, Zac Taylor, and Latron Thomas are now State champions.

The Stars' run of excellence is unparalleled. In the past 6 years, McCluer North has won no fewer than 3 State championships and played for the State title 4 times, winning the State's most daunting district tournament 6 of the past 7 years. This season alone, the Stars won 26 straight games, culminating in their heroic victory over their rivals, the Nixa Eagles. Their recent victory marks a fitting end to a season of hard work and perseverance. Their combination of athleticism, experience, depth, and talent proved to be more than their most challenging competitors could handle.

Mr. Speaker, Coach Reed and the men of the McCluer North Stars are true examples of sportsmanship and character, and I urge my colleagues to join me in honoring their remarkable achievement.

HONORING CONTRA COSTA COUNTY DISTRICT 2 SUPERVISOR GAYLE UILKEMA

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. GEORGE MILLER of California. Mr. Speaker, I rise with my colleague Congressman JOHN GARAMENDI to take this opportunity to recognize and congratulate Contra Costa County District 2 Supervisor Gayle Uilkema as she retires after 37 years of public service.

Supervisor Uilkema began her long career in 1975 as a Lafayette Parks and Recreation Commissioner, and was soon elected to the Lafayette City Council. She served five subsequent terms on the City Council, where she left a strong legacy, after which she proudly served four terms as Mayor of Lafayette.

As the longest serving member of the Contra Costa County Board of Supervisors, Gayle Uilkema has worked tirelessly on behalf of her constituents. Her knowledge and experience was integral in developing Lafayette's Veterans Memorial Building and the Lafayette Library and Learning Center, two projects which provided access to resources previously unavailable to many in the community. She was also instrumental in establishing the Lafayette Redevelopment Agency, which helped pass the first Road and Drain Bond in the area.

Gayle has accumulated numerous awards in the course of her career, including recognition from the Metropolitan Transportation Commission and the American Association of University Women. Gayle was named Alumna of the Year by California State University—East Bay and was honored as Co-Citizen of the Year by the West County Business & Professional Association. Most recently she was recognized as the 2012 Lafayette Citizen of the Year Award for her outstanding dedication and contributions to the community.

Mr. Speaker, I invite my colleagues to join me in commending Supervisor Gayle Uilkema for her committed and diligent service to Lafayette and Contra Costa County. I am pleased to join her family, colleagues, and friends in congratulating her on an outstanding career and wish her the very best as she begins a well-deserved retirement.

HONORING TODD MATTHEW CALTON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Todd Matthew Calton. Todd is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 397, and earning the most prestigious award of Eagle Scout.

Todd has been very active with his troop, participating in many scout activities. Over the many years Todd has been involved with scouting, he has not only earned 53 merit badges, but also the respect of his family, peers, and community. Most notably, Todd is a member of the Order of the Arrow and earned the rank of Tom-Tom Beater in the Tribe of Mic-O-Say. Todd has also contributed to his community through his Eagle Scout project. Todd built an outdoor volleyball court at Kearney Bible Church in Kearney, Missouri, a project that took Todd and his team of volunteers 340 hours to complete. Todd also plans on serve our country in the United States Marine Corps beginning in September 2012.

Mr. Speaker, I proudly ask you to join me in commending Todd Matthew Calton for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. ADAM KINZINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. KINZINGER of Illinois. Mr. Speaker, unfortunately I was unable to have my vote in the House recorded on H.R. 665 the Excess Federal Building and Property Disposal Act of 2011. If present, I would have voted ''aye.''

Additionally, on final passage of H.R. 2087, legislation to remove restrictions from a parcel of land situated in the Atlantic District, Accomack County, Virginia, I would have voted "aye."

HONORING WALTER ALCORN, 2011 FAIRFAX COUNTY CITIZEN OF THE YEAR

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. MORAN. Mr. Speaker, I rise today to congratulate Walter Alcorn, an exceptional constituent, on his receipt of the 2011 Fairfax County Citizen of the Year. Walter will receive this distinguished honor at the organization's 62nd Annual Awards Banquet on March 25, 2012. Walter has exhibited outstanding civic service and selfless volunteerism, and this honor is rightfully awarded.

Walter's recognition by the Fairfax County Citizens Association offers only a glimpse into his committed service to the residents of Northern Virginia. Most recently, Walter's involvement in Tyson's Corner helped a great deal in solving many of the complex planning issues.

As the Chair of the Planning Commission's Tysons Corner Committee, Walter led work to translate the vision and recommendations of the Tysons Corner Task Force into language appropriate for the Fairfax County Comprehensive Plan. For more than two years, Walter led the Committee and worked with all concerned stakeholders to develop consensus recommendations that were ultimately adopted by the Board of Supervisors in June 2010. In March of last year, the Board of Supervisors requested that the Planning Commission develop an all-encompassing method to address infrastructure financing, along with other Tysons-related implementation issues. Walter has diplomatically made sure that this has remained transparent throughout the entire process.

Walter's service goes back decades. He has served on the Fairfax County Planning Commission since 1997. He has chaired the Planning Commission's Tysons Corner Committee since 2008 and has served as its Vice Chairman since 1997. He was first by Board Chairman Kate Hanley, and reappointed 3 times on motions of Board Chairmen Gerry Connolly and Sharon Bulova. He also chaired the Planning Commission's Environment Committee from 1997 to 2006. Walter has been a Virginia Certified Planning Commissioner since December 1997.

Along with his service to the Fairfax County Planning Commission, he is an enthusiastic coach for Reston Little League, manager of the Reston Warriors 12U baseball team and serves on the steering committee of his Sunday School class at the United Christian Parish in Reston. When not volunteering, he is employed as the Vice President for Environmental Affairs and Industry Sustainability at the Consumer Electronics Association in Crystal City, where he commutes daily via the Fairfax Connector and Metro. Previously, he worked as an environmental consultant specializing in the development of a national system for recycling electronic equipment, co-founded the 501(c)3 National Center for Electronics Recycling in 2005, and was a Deputy Division Manager in the Technology Research Group for Science Applications International Corporation (SAIC). Prior to his private sector employment, Walter was a Policy Aide in the Providence District Supervisor's office.

Walter is a model of the best kind of civil servant. I'm proud to congratulate him on his well-deserved award, and give my sincere thanks for his unwavering service to Northern Virginia.

CONGRATULATING MILES SAFFRAN, RECIPIENT OF THE 2012 PRUDENTIAL SPIRIT OF COMMUNITY AWARD

HON. DANIEL WEBSTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. WEBSTER. Mr. Speaker, I am pleased to recognize Miles Saffran for exemplary volunteer service in his community. Miles, age 15, of Winter Park, has been named one of the top honorees in Florida by The 2012 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state and the District of Columbia.

Miles is a sophomore at Trinity Preparatory School and has helped raise more than $60,000 to fund three medical trips to Mexico where he has served as the surgical youth coordinator for cleft lip and palate repair for Florida Hospital's mission trips. While in Mexico, Miles was responsible for assisting surgeons, organizing medicine, cleaning masks, and comforting patients and their families.

The Prudential Spirit of Community Award was created in 1995 by Prudential Financial in partnership with the National Association of Secondary School Principals to encourage youth volunteers in their contributions to society, to emphasize the value of volunteerism, and to inspire other young people to follow their example. Over the past 17 years, the program has become the nation's largest youth recognition effort based solely on community service, and has involved more than 100,000 young volunteers at the local, state and national level.

It is my pleasure to commend Miles for his energy and initiative in seeking to make his community and world a better place to live. His commitment and accomplishment is extraordinary in today's world and deserves recognition. His actions remind us that young Americans can play an important role in our communities.

On behalf of the citizens of Central Florida, I am pleased to recognize Miles Saffran's selflessness and enthusiasm for serving others and for making a difference. The kind of altruism evident in Miles's efforts represents our brightest hopes for a better tomorrow. May his efforts inspire others to follow in his footsteps.

"STARS AND STRIPES: NO PROBLEMS WITH 'DON'T ASK, DON'T TELL' REPEAL"

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. FRANK of Massachusetts. Mr. Speaker, whenever a legislative body deals with measures to prohibit or lessen discrimination against any group, opponents who do not wish to affirm that they are prejudiced against that group often assert that there will be negative consequences if the antidiscrimination measure is adopted. Most recently, we heard dire predictions from many supporters of the policy of discriminating against gay, lesbian, bisexual and transgender members of the military that allowing these patriotic Americans to serve their country openly would be terribly disruptive. Apparently, there were many who believed that young Americans who serve in the military shared their prejudice.

Despite their arguments, the repeal was voted by the Congress in 2010 and very efficiently put into place by Defense Secretary Panetta after full consultation with the Military Chiefs of Staff. It has now been about six months since the ban on honesty among gay, lesbian, bisexual and transgender military personnel was dropped. And, as in many other cases—for example our laws protecting people with disabilities, or our laws banning discrimination against women—the predictions of social chaos from opponents of fairness have proven to be baseless.

Stars and Stripes, the widely regarded newspaper that serves our military, and has a long record of independence and integrity, summed it up in an article on March 19th as follows: "Six months after the military ended the controversial "don't ask, don't tell" law barring gays from serving openly, Pentagon officials and gay rights advocates say the policy change has largely been a non-issue, with few complaints and no major headaches resulting from the new rules."

It is true that there are some of those who were opposed to this end to a discriminatory policy who continue to argue that there would have been problems if the Pentagon had not somehow mysteriously suppressed it. The notion that there is any significant degree of dissatisfaction but there is no way that anyone has been able to voice it—even anonymously—is of course highly suspect. The fact is that is turns out that the young people in the military do not share the prejudices of some of their would-be defenders, and the notion that military effectiveness has in any way been damaged, or that we would see people leaving the military, have been shown to have no basis.

Mr. Speaker, because it is important to have this further example of the inaccuracy of the predictions that are made when we seek to ban discrimination against particular groups, and because this was such an important issue debated in this Congress, I ask that the article from Stars and Stripes be printed here.

[From the Stars and Stripes, Mar. 19, 2012]

(By Leo Shane III)

SIX MONTHS AFTER REPEAL, MILITARY SAYS DADT DIED QUIETLY

WASHINGTON.—Sgt. Pepe Johnson was surprised by the reaction he received when his fellow soldiers learned that he is gay.

''They've pretty much shrugged it off,'' said Johnson, who rejoined the Army last fall after nearly a decade away. ''Most of them were wondering why I had a nine-year gap in service. When I told them it was because of 'don't ask, don't tell,' they shrugged it off.

''That was a pleasant surprise.''

Six months after the military dropped the controversial ''don't ask, don't tell'' law barring gays from serving openly, Pentagon officials and gay rights advocates say the policy change has largely been a non-issue, with few complaints and no major headaches resulting from the new rules.

Pentagon spokeswoman Eileen Lainez said the repeal is ''proceeding smoothly across the Department of Defense,'' which officials there credit to the ''enforcement of standards by our military leaders'' and ''servicemembers' adherence to core values that include discipline and respect.''

Officials at the Servicemembers Legal Defense Network, a pro-repeal group which offers free legal assistance to troops on discrimination issues, said they've heard only a few minor complaints from military members about the implementation of the repeal.

''We had thought this would be largely a non-event, and that has been the case,'' said Aubrey Sarvis, executive director of the group. ''I think the new regulations permitting gays and lesbians to serve are unambiguous, and the commands have all made it abundantly clear that this is the direction the force is going.''

Military leaders have seen pushback from conservative groups on some high-profile post-repeal stories—such as a picture of a gay Marine kissing his boyfriend which circulated earlier this month—but haven't faced any lawsuits or mass resignations predicted by some opponents.

Last month's White House dinner honoring Iraq War veterans included several same-sex couples among the invitees, but in their remarks military leaders didn't even note that such a public display would have resulted in those troops' dismissal just a few months earlier.

Johnson was booted out of the Army in 2003 under ''don't ask, don't tell.'' After he shared his secret with some friends, others in his unit started grilling them about his sexual orientation. Feeling pressure from both his friends and others, Johnson eventually came clean to his superiors.

As the political winds changed last year, Johnson said he was speaking with recruiters about returning even before the repeal went into effect last September.

''Their biggest issue was asking when I could start, not worrying about my personal life,'' he said. ''There has been no backlash, nothing to worry about.''

Repeal opponents remain skeptical. Elaine Donnelly, president of the conservative Center for Military Readiness, said plenty of troops remain opposed to serving with openly gay colleagues, but fear they'll lose their job if they object to the military's new pro-gay agenda.

''The entire administration . . . has imposed 'zero tolerance' policies against persons who are not enthusiastic supporters of LGBT law,'' she said. ''This is what we predicted, but the effects will not be seen quickly, especially in an election year.''

Much of the repeal fight has already shifted to the next rights battlefield, whether same-sex couples should receive the same housing and medical benefits as their straight peers.

Sarvis said the current benefits rules create two different classes of servicemembers. Opponents argue that the rights groups are trying to use the military to force radical social changes.

Meanwhile, Donnelly said that she has heard from a number of troops unhappy with the changes, who are simply waiting for their contracts to expire before leaving the service. That could cause major problems in coming months and years, she said.

Petty Officer 1st Class Jeremy Johnson, a member of active-duty gay-rights group OutServe, said he anticipates more problems in the future, although nothing to the extent of Donnelly's predictions. Many of the gay troops he knows have not yet talked about their personal lives with their work colleagues, somewhat delaying the cultural impact of the repeal.

''This was never about having people come flying out of the closet,'' he said. ''It was about knowing you can't be fired for being found out. There's going to be a natural transition as more people become comfortable with the idea.''

Johnson, who was forced from the military in 2007, became the first openly gay person to reenlist after the repeal was finalized. He said his commanders have warned him that he could be singled out for his public role, but so far it hasn't caused any real conflicts.

''I anticipate that this isn't over, but I don't anticipate major problems, either,'' he said.

HONORING THE LIFE OF STATE SENATOR GARY W. KUBLY

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Ms. McCOLLUM. Mr. Speaker, it is with a heavy heart that I rise today to pay tribute to the life of Senator Gary W. Kubly, public servant and Lutheran Pastor. Senator Kubly passed away earlier this month at the age of 68, after a hard-fought battle with Lou Gehrig's Disease. As our community mourns the loss of this beloved civic leader, we must pause to celebrate Gary's legacy and reflect upon his years of service.

Gary's lifelong career of service began when he joined the United States Air Force during the late 1960s. After leaving the military, Gary became a public school teacher prior to moving to Minnesota in 1970 to attend Luther Theological Seminary in Saint Paul. After graduating from Luther Seminary in 1974, Gary began his career as a Lutheran Pastor, serving two churches near Granite Falls, Minnesota prior to his election to the Minnesota House of Representatives in 1996.

Throughout his 15 years in the Minnesota Legislature, Gary touched many lives, and his absence will be felt by all who had the privilege of knowing him. I was honored to serve with him for four years in the Minnesota House of Representatives prior to his election to the Minnesota Senate. He was a constant voice for the residents of the counties he served in southwestern Minnesota, making sure rural communities had an advocate at the Capitol.

Whether serving our country, his Church or his constituents, Gary's dedication to serving others was remarkable. His sense of duty and honor are irreplaceable, and his voice will be missed at the Capitol.

Mr. Speaker, please join me in this tribute to Senator Gary W. Kubly.

CAPTAIN THOMAS ''BILL'' DILLION AND THE FIREFIGHTER'S PRAYER

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. POE of Texas. Mr. Speaker, Monday morning I attended the funeral of Captain Thomas ''Bill'' Dillion of the Houston Fire Department. Captain Dillion was rushing into a house fire on March 14 when he apparently died of a heart attack. Captain Dillion has three children, was 49 years of age, and had spent 23 years with the Houston Fire Department. Bill's crew at Station 69 spoke about his courage and how his contagious happy mood was so infectious. He was a firemen's firefighter.

Mr. Speaker, the firefighters have a prayer to the Great Almighty about their public service, saving lives and saving property. Here is how the prayer reads:

When I am called to duty, God
Wherever flames may rage
Give me strength to save a life
Whatever be its age.

Let me embrace a little child
Before it is too late
Or save an older person from
The horror of that fate.

Enable me to be alert
And hear the weakest shout,
And quickly and efficiently
To put the fire out.

I want to fill my calling
To give the best in me,
To guard my friend and neighbor
And protect their property.

And, if, according to Your will,
I must answer death's call,
Please bless, with Your protecting hand,
My family one and all.

And that's just the way it is.

HONORING MILAN DOSHI

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. OLSON. Mr. Speaker, I am privileged to interact with some of the brightest students in the 22nd Congressional District who serve on my Congressional Youth Advisory Council. I have gained much by listening to the high school students who are the future of this great nation. They provide important insight into the concerns of our younger constituents and hopefully get a better sense of the importance of being an active participant in the political process. Many of the students have written short essays on a variety of topics and I am pleased to share these with my House colleagues.

Milan Doshi is a junior at Elkins High School in Fort Bend County, Texas. His essay topic is: In your opinion, what role should government play in our lives?

Abraham Lincoln once said that this is a ''government of the people, by the people, for the people.'' Government is an entity that plays just as much a role in our lives as we allow it to play. As the current election is just around the corner, many of the issues that have prevailed in the presidential debates include what role the government

should play in our economy, foreign policy, and our daily lives.

Many Americans believe that if the United States had learned from the past, they would have realized that the greater the country got involved in the economy, with countries around the world, and in our daily lives, the greater the magnitude of the problems in the status quo would become. Many Americans believe that our government has not learned from the past and continues to make the same mistakes that once made its population distraught. Even though our country's interaction with foreign policy and the economy may not directly impact us, the interaction somehow influences a majority of America's population in their daily lives. This impact on the status quo and on the population's mindset is indicative through stories in the news, through personal experiences, and through observations of our surroundings.

Overall, our government should understand that the role that they play in our lives should be in balance. Foreign policy has made our country one of the most powerful countries around the world. We have a prestigious navy, a strong air force, and, most importantly, the most dominating army that money can buy; however, in this case, America's dedication towards the development of its army has preoccupied them to a point where it has reallocated funds from other areas that desperately need them. This reallocation would allow the government to play a more conservative role in our lives. If the funds that were dedicated towards foreign policy were reevaluated, I'm sure there are places where cuts can be made and the money saved be reallocated to other sectors. This begs the question of which sector requires the money the most, based on its influence on our daily lives. The education sector consists of the building blocks of this country and preoccupies most teenagers' daily lives. If more money was invested in this sector, we would be able to hire more experienced teachers, give teachers more freedom to construct their courses, create more effective ways of assessment, as well as pay our teachers more. What this would inevitably lead to is lesser involvement in education, for kids my age, most of our daily lives, and more freedom for teachers to foster growth and meet the needs of individual students, as well as give students the freedom to express themselves without being restricted to the methods of the government. This is important in demonstrating the balance that is necessary of government in our daily lives. If the government allowed students to embrace education, the United States would be able to be competitive with the education systems of other countries around the world. With smarter future generations, America would not make the same mistakes it made in the past that led to economic collapses such as the one that occurred during the Great Depression. Individuals in the American government would finally realize that they ought to play a smaller role in the economy by allowing it to be the one that causes its own downfall and also its own rebuilding. Over the past few years, it has become evident that the greater the role that government plays in the economy, the further it goes into shambles and the more jobs that are lost. This is important because even though I have been fortunate enough to have a family that has not had to go through the stresses of job loss, the effects of thousands of jobs going away are being felt by families all across the United States, affecting their daily lives, in how they live and how they interact with the people around them. If the government did not play as large a role as it is playing right now, we would probably see the economy collapse and then gradually begin to rebuild itself, creating more jobs, steadying the economy, and more importantly, bringing stability to families across the country.

Thus, the role that government ought to play in our lives should be one in balance and it ought to be the government's responsibility to make sure their actions are properly affecting their population. However, in situations where the government loses sight of the problems that lay ahead due to their actions, it becomes the peoples' responsibility to speak and make sure their voice is heard. Because, after all, as Abraham Lincoln once said, this is a ''government of the people, by the people, for the people.''

PERSONAL EXPLANATION

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. SESSIONS. Mr. Speaker, on rollcall No. 114, had I been present, I would have voted ''yea.''

IN RECOGNITION OF THE SECOND ANNIVERSARY OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Ms. RICHARDSON. Mr. Speaker, I rise today to recognize the second anniversary of the enactment of the Patient Protection and Affordable Care Act. In the two years since its enactment, the Affordable Care Act has been good for seniors, good for women, good for small businesses, and good for all Americans.

As the Affordable Care Act is implemented, it will continue to expand access to affordable, quality health care for over 30 million Americans and will work to reign in the ever-escalating costs of health care. Passage of the Affordable Care Act was a major step toward fulfilling the promise all Americans were pledged: the promise of unalienable rights to life, liberty and the pursuit of happiness which quality healthcare embodies.

For the people I represent in the 37th District of California, the Affordable Care Act will improve coverage for 299,000 residents who already have insurance. It will give tax credits and other assistance to up to 146,000 families and 15,100 small businesses to help them afford coverage. Health care reform will also improve Medicare for 63,000 beneficiaries in my district, including closing the prescription drug ''donut hole'' once and for all.

In 2010, the Affordable Care Act made it possible for 354,592 Medicare beneficiaries in California to receive a $250 rebate to help cover the cost of their prescription drugs when they hit the donut hole. In 2011, 319,429 Medicare beneficiaries received a 50 percent discount—an average savings of $538 per person—on brand-name prescription drugs when they hit the coverage gap. That's a total savings of over $171 million for seniors in California alone! In my district, 3,200 seniors received prescription drug discounts worth $1.5 million, an average discount of $460 per senior.

The Affordable Care Act extends coverage to 92,500 uninsured residents of the 37th District and will guarantee that 17,500 residents with pre-existing conditions can obtain the health insurance they need. Since enactment, health care reform has extended insurance coverage to 5,599 Californians through the new Pre-Existing Condition Insurance Plan.

The Affordable Care Act protects 1,100 families from bankruptcy due to unaffordable health care costs and currently allows 59,000 young adults to obtain coverage on their parents' insurance plans. The new law provides millions of dollars in new funding for 11 community health centers in my district. And finally, it will reduce the cost of uncompensated care for hospitals and other health care providers by $125 million annually.

Mr. Speaker, as we approach the two year anniversary of the enactment of the Affordable Care Act, an attack on women's access to affordable, quality, and necessary healthcare services is underway. From the comments made by Rush Limbaugh about Georgetown Law Student Sandra Fluke, to Republican attempts to roll back coverage and restrict access to birth control, the GOP's war on women stands in stark contrast to the Administration's goal of ensuring that women have access to the healthcare services they need to remain healthy.

As a female Member of Congress, I understand that women have unique health care needs, and are often the ones who make health care decisions for their families. I voted for and strongly support the Affordable Care Act because it provides important benefits for women and their families. The Affordable Care Act helps women by eliminating the discriminatory gender rating system, making sure that insurance companies do not consider pregnancy grounds for denying coverage, and doing away with all pre-existing conditions.

Thanks to the Affordable Care Act, all Americans joining new insurance plans have the freedom to choose from any primary care provider, OB-GYN, or pediatrician in their health plan's network, or emergency care outside of the plan's network, without a referral. Under the Affordable Care Act, women joining a new health care plan can receive recommended preventive services, like mammograms, new baby care and well-child visits, and an annual wellness visit with no out-of-pocket costs. In 2011, over 6 million people with private insurance coverage in California gained preventative service coverage with no cost sharing as a result of the Affordable Care Act.

Before enactment of the Affordable Care Act, women could be charged more for individual insurance policies simply because of their gender. A 22-year-old woman could be charged 150 percent the premium that a 22-year-old man paid. In 2014, insurers will not be able to charge women higher premiums than they charge men. The law takes strong action to control health care costs, including helping states crack down on excessive premium increases and making sure most of your premium dollars go toward your health care.

The Affordable Care Act also allows young adults under the age of 26 to stay on their parents' health insurance plan. This provision has expanded access to health insurance coverage for 2.5 million young people nationwide. In my district, 7,000 young adults have taken advantage of this provision and are now covered under their parents' plan.

This week, the House will consider a bill to repeal the Independent Payment Advisory Board established under the Affordable Care Act. Having previously garnered bipartisan support, the majority's decision to attach a medical liability provision to the underlying piece of legislation amounts to nothing short of a partisan ploy to score points with their base.

The language attached to the bill would place caps on medical malpractice awards for pain and suffering at $250,000 and would override most state tort laws. Unfortunately, the majority's decision to include tort reform language on a completely unrelated measure demonstrates their refusal to work with Members across the aisle in order to further strengthen the Affordable Care Act.

Mr. Speaker, the Affordable Care Act provides American families with stability and peace of mind. Never again will they have to choose between their health and their livelihood. As a result of the Affordable Care Act, 23,000 children and 90,000 adults in my district now have health insurance that covers preventive services without paying any co-pays, coinsurance, or deductibles.

I am proud to be a part of this historic health care policy change, and to be part of the days ahead in which we will work to further strengthen it.

CONGRATULATING ELIZABETH TRAN, RECIPIENT OF THE 2012 PRUDENTIAL SPIRIT OF COMMUNITY AWARD

HON. DANIEL WEBSTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. WEBSTER. Mr. Speaker, I am pleased to recognize Elizabeth Tran for exemplary volunteer service. Elizabeth, age 17, of Orlando, has been named one of the top honorees in Florida by the 2012 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each State and the District of Columbia.

Elizabeth is a junior at Cypress Creek High School and has raised more than $20,000 to support the Children's Miracle Network in the first two years of the ''Miss Miracle'' charity pageant, an annual event that she created. The ''Miss Miracle'' pageant is conducted in cooperation with Teens Go Green, an organization co-founded by Elizabeth and dedicated to raising public awareness for protecting the environment. All ''Miss Miracle'' contestants raise money to support the organization, and those contestants who raise the most are crowned ''Miss Miracle.''

The Prudential Spirit of Community Award was created in 1995 by Prudential Financial in partnership with the National Association of Secondary School Principals to encourage youth volunteers in their contributions to society, to emphasize the value of volunteerism, and to inspire other young people to follow their example. Over the past 17 years, the program has become the Nation's largest youth recognition effort based solely on community service, and has involved more than 100,000 young volunteers at the local, State, and national level.

It is my pleasure to commend Elizabeth for her energy and initiative in seeking to make her community and world a better place to live by supporting organizations such as the Children's Miracle Network. Her commitment and accomplishment is extraordinary in today's world and deserves recognition. Her actions remind us that young Americans can play an important role in our communities.

On behalf of the citizens of central Florida, I am pleased to recognize Elizabeth Tran's selflessness and enthusiasm for serving others and for making a difference. The kind of altruism evident in Elizabeth's efforts represents our brightest hopes for a better tomorrow. May her efforts inspire others to follow in her footsteps.

A TRIBUTE TO MONICA PEARSON

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. DAVID SCOTT of Georgia. Mr. Speaker, Monica Pearson is a familiar face to metro Atlanta's residents, though most know her by her former name—Monica Kaufman. For the past 37 years, Monica has anchored WSB–TV's Channel 2 Action News. The character and amount of trust she has built as Channel 2's nightly newscaster is laudable, but perhaps more important are the barriers she broke as she developed that reputation. Born and brought up in the Civil Rights era, Monica became not only the first African-American, but also the first woman to anchor a daily evening newscast on WSB in 1975.

Throughout her long career, Monica has accumulated an even longer list of awards and achievements. All in all, she has won thirty Local and Southern Regional Emmy awards. When she saw injustice or a story that needed to be heard, she was there reporting on it—first at the 6 p.m. and 11 p.m. segments, and later at 4 p.m. Her hard-hitting investigative journalism cuts at all different issues. In 1992 she spoke out on behalf of women and girls in Georgia when she found out that the Georgia High School Association's all-male executive committee did not have a state-wide competition for girls' soccer or cheerleading. She was awarded the Women's Sports Journalism Award for Local Television Reporting from the Women's Sports Foundation and Miller Lite for her report.

Monica has been honored for bringing attention to a wide range of issues—from the ''HOT FLASH! The Truth about Menopause'' documentary that won local and national awards in 1994 to the ''Prejudice and Hate: Georgians and the Holocaust'' documentary that led her to win the Georgia Commission on the Holocaust's Humanitarian Award in 1977. Her sense of civic duty, compassion and curiosity has distinguished her from her peers, winning an Emmy Award for Best Feature Program—''Monica Kaufman Closeups,'' the National Foundation for Women Legislators' ''Media Excellence Award'' and the Georgia Commission of Women's ''2004 Georgia Woman of the Year.''

While devoting her life to journalism, she has also deeply involved herself in the community. She remains a passionate supporter of the Metropolitan United Way, the organization that helped her move beyond her poor background to become an award-winning newscaster. Since then, she has served as Chair of Atlanta's United Way board, the first African-American and only the second woman. Her dedication to the organization might be due in no small part to the fact that her daughter was adopted through a United Way agency. In her own words, ''United Way literally unites people.''

United Way is not the only organization that has touched Monica's heart. For many years, Monica ran in the Susan G. Komen's Race for the Cure. She continued to run in the race and volunteer for the organization until the year she herself was diagnosed with breast cancer. Her reaction to this cancer is a story that truly touched my heart. A very religious woman, Monica did not let fear cripple her—instead she left everything to God. She prayed, ''Thy will be done, O Lord, not mine.'' ''If you are really strong in your faith, then you don't worry about the outcome,'' she said. The outcome is obvious—Monica remains to this day a strong, dedicated woman. She is both an inspiration and a role model. Monica will be retiring in July, but I know her character, personality and spirit will not let her keep still. I wish her the very best in her future endeavors, and may we continue to hear of her excellent work for her community. God Bless.

CONGRATULATORY REMARKS FOR OBTAINING THE RANK OF EAGLE SCOUT

HON. SANDY ADAMS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mrs. ADAMS. Mr. Speaker, I would like to congratulate Joshua Beard for achieving the rank of Eagle Scout.

Throughout the history of the Boy Scouts of America, the rank of Eagle Scout has only been attained through dedication to concepts such as honor, duty, country and charity. By applying these concepts to daily life, Joshua has proven his true and complete understanding of their meanings, and thereby deserves this honor.

I offer my congratulations on a job well done and best wishes for the future.

HONORING THE SERVICE OF SENATOR BARBARA MIKULSKI

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. FATTAH. Mr. Speaker, I rise today to pay tribute to an accomplished and distinguished member of the United States Senate who is achieving a milestone worthy of recognition in this body.

Senator BARBARA MIKULSKI is the longest-serving woman in congressional history. Before being sworn into the Senate in 1986, Senator MIKULSKI served in this chamber for five terms. She has now served the people of Maryland for more than 35 years.

Senator MIKULSKI is the daughter of Polish American small-business owners, who taught her the meaning of hard work. She attended Mount Saint Agnes College and the University

of Maryland, where she earned a degree in Social Work. The inequities she observed during those years are what drove her to become a voice for her community. An activist, she organized community members to stand up against a local plan to build a 16-lane highway through neighborhoods in Baltimore, indeed she was successful.

Her career as a government leader began in 1971, when she was elected a member of Baltimore's City Council. Prior to becoming the first Democratic woman sworn into the Senate in 1986, she served ten years as a Representative of Maryland's 3rd Congressional District.

Without a doubt, Senator MIKULSKI's admirable leadership trajectory is reflected through the varied roles she has held in Congress. She has advanced initiatives involving women's reproductive rights and women's health issues. She is currently a senior member of the Health, Education, Labor and Pensions Committee and Chairwoman of the Subcommittee on Children and Families. She is also a senior member of the Senate Appropriations Committee and Chairwoman of the Commerce, Justice, and Science Subcommittee. In my work as the House CJS Subcommittee's leading Democrat, I have been grateful for the partnership of my companion in the other chamber.

Senator MIKULSKI is a pioneer who has paved the way for many women. Throughout her career she has served as a mentor for women in congressional leadership and continues to create partnerships to focus the spotlight on women.

Her contributions go beyond the walls of Congress and she continues to be an integral part of her community, greeting constituents and lending a hand to empower and help make a difference. She continues to fight to give Maryland the resources necessary to compete in a global economy.

I invite my colleagues to join me in honoring this notable woman who is making history and extend our gratitude for her service and wish the senior Senator from the State of Maryland good health and good times.

STEPHANIE GLANCE NAMED MVC COACH OF THE YEAR

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today to honor Stephanie Glance, Illinois State University's women's basketball coach, for being named the 2012 Coach of the Year in the Missouri Valley Conference. Glance guided ISU to an 18–12 record in advance of their appearance in the Women's National Invitation Tournament on March 15th. She is in her second year as head coach of the Redbirds, after 15 seasons as an assistant at North Carolina State and one at Tennessee.

The ISU women's team finished second in the regular season this year after returning just one of its top six scorers and landing sixth in the MVC preseason poll. Glance was named Maggie Dixon Division I Rookie Coach of the Year in 2011.

Glance credited her players for being eager to learn and improve. ''They respond so positively to anything you talk to them about,'' she said. ''It's really a special group.'' She also pointed to assistant coaches Sheila Roux, Danielle Santos, and Ryan Bragdon for their contributions. ''My staff works really hard. They are very driven,'' said Glance. ''They are people who want to be their best. This is not some kind of individual award. It's about the whole program.''

I would like to congratulate Stephanie Glance on a great year at the helm of the Redbirds. The players and their families, as well as Redbird fans and the entire Illinois State University community are extremely proud of her accomplishments and contributions.

HONORING THE OUTSTANDING PUBLIC SERVICE CONTRIBUTIONS OF LONGTIME JOHNSTOWN, PA ADMINISTRATOR JIM WHITE

HON. MARK S. CRITZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. CRITZ. Mr. Speaker, I rise to honor Jim White, a true champion of the people and small businesses of Johnstown, PA. Next month, Jim will retire from his post as Johnstown's Director of Community and Economic Development. In this capacity, he manages millions of dollars in federal subsidies supporting homeowner assistance, street paving and annual demolitions, and oversees the city's planning, zoning, code enforcement and economic development efforts.

Jim became Johnstown's Economic Development Coordinator in March of 1998. Since then, he has helped to revitalize the city's downtown storefronts and improve the city's infrastructure by stimulating investment in neighborhood businesses and cultivating strong relationships with local entrepreneurs. Thanks to Jim's outstanding leadership, the American promise of opportunity is alive and well for all those who live and work in Johnstown.

Jim is the sort of visionary leader our cities need more of. No matter how much he has accomplished for the city of Johnstown, he has never stopped seeing it for what it could be, rather than for what it is. In 2009, Jim played a key role in formulating a master plan for the future of the city. Not even three years later, officials have already begun to implement several of the projects this document proposed, including a plan to comprehensively improve access to Main Street, one of the city's main thoroughfares.

Mr. Speaker, on behalf of a grateful community, I want to wish Jim the best of luck as he prepares to begin a new chapter in his life. Having worked with him for over a decade, I know that his strong leadership skills and eternal optimism will serve him well in whatever he chooses to do next.

TRIBUTE TO THE ''WELCOME HOME'' VIETNAM VETERANS CELEBRATION

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. GONZALEZ. Mr. Speaker, I ask my colleagues to join me in paying tribute to the valiant service of Vietnam War and Vietnam-Era Veterans who are being honored at the ''Welcome Home'' Vietnam Veterans Celebration in San Antonio, Texas.

This celebration is an important opportunity to thank the veterans of the Vietnam War and provide them with the welcoming that many did not receive at the completion of their noble service to our country. It is important and fitting that our nation recognizes the brave service men and women who made profound sacrifices in the Vietnam War including the more than 58,000 Americans who lost their lives and the more than 300,000 who were wounded during the Vietnam War.

The celebration is to be held on March 30, 2012 commemorating the historic withdrawal of United States troops from Vietnam on March 30, 1973. The celebration will recognize veterans in attendance with a presentation of the colors and full military honors.

Throughout American history, our brave men and women have answered the call to protect and defend our democracy. And while our nation may be divided on other issues, we must always stand together in honoring the service and valor of our veterans. I would again ask you to join me in recognizing this celebration for those who honorably served and sacrificed for our country.

HONORING EDWARD ''DUANE'' CANTRELL AND HIS DAUGHTERS ISABELLA AND NATALIA

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. MCINTYRE. Mr. Speaker, I rise today in honor, at the laying to rest of Special Forces Edward ''Duane'' Cantrell and his two lovely daughters Isabella and Natalia, who were 6 and 4 years old, respectively, at Arlington National Cemetery. Duane was, and will always be an American Hero, serving 7 tours in Iraq and Afghanistan before perishing with his two daughters in a house fire in North Carolina. He was a wonderful farther and husband. Our hearts wave heavy for him and his family, and especially for his wife Louise who has lost the three greatest loves of her life and his son Kenny from his first marriage. Our prayers lie with this great American family on this day. Fortunately, Duane got a chance to come on a wounded warrior tour a few months before his death, and raved to his family and had planned to come back with the rest of his family. He got to see this great Temple of Freedom that him and his brothers had fought and died for. I ask that this poem penned in their honor by Albert Caswell be placed in the RECORD.

Our Faith This Day
Our . . .
Our Faith This Day . . .
Somehow!

Some way!
Must show us all the way!
And as we lay your fine bodies down to sleep!
So very deep . . .
So down to rest, we pray to our Lord God to all of these to bless . . .
Let now our courage somehow crest . . .
Give us the strength, to but so take just one more step!
All in our faith this day . . .
All in our gravest of all pain, so very deep!
For one of America's very best, and his most beloved daughters oh so very sweet!
As upon all of our faces our most swollen tears, we now so weep!
Our faith this day . . .
Must somehow, show us all the way!
From such heartache, and such death!
The way to hope and faith, so to our hearts to bless!
The same kind of faith that which so led, this fine hero off towards death!
Who so left his greatest loves of all,
to go off to war, to so answer that most noble of all calls!
That call to faith and honor, and so death,
that which so stands above all else, no less!
Armed, but with only his fine faith . . .
which so let him march off to war, him so led!
As he walked through that valley of death,
as his loved ones at home cried and prayed!
As a most magnificent member of The Special Forces yet . . .
7 tours no less!
As Freedom Fighter, was but his most heroic course so stepped!
And came back home to such a wonderful family . . .
a wife and two beautiful little daughters, to be so blessed!
Oh it's not fair, please Lord God but hear our prayers!
How much more pain, can but one family so bear?
Let somehow this pain give way from here . . .
But, some answers to some questions can only be found but in our faith!
So listen closely on the wind . . .
Can you but not so hear our Lord from up above so then . . .
As when there comes a gentle rain,
all in your heartache, all in his love to so ease your pain . . .
And you his lovely wife, must somehow let your soul burn bright . . .
And for you and them somehow so carry on this night!
And sometime into the future start a new life!
And you his son, as thy will be done!
Will grow up to be, such a fine man as he . . .
For you have his heart you indeed!
In you, him we will always see!
For this you must believe!
For a child not to live its full life!
Is but the greatest of all curses, that which does not seem right!
But, take comfort on this night!
For these children lie in our Lord's arms, with smiles so very bright!
For Heaven, don't we all pray for such the sight?
So hush little babies, and don't you cry . . .
For you are up with our Lord on high!
And your Father is right there, all by your side . . .
In The Army of our Lord, this very night!
And one day too,
your Mother and your Grandparents . . .
My children, will so rise all to meet you!
As they wipe those tears from their eyes . . .
All because of their faith this day, so very deep down inside . . .
Our faith this day!
Is but the only way . . .
To Heaven we shall all so rise!
And now as we lay them down to sleep!
Daddy, and his little girls all in our souls we will so keep!
As all in our hearts of love, now so buried so very deep!
As on this day, because of all of this heartache we now so weep!
And for them, and us . . . Our Faith This Day, we all shall keep! Amen!

In loving memory of CW2 Edward ''Duane'' Cantrell, Isabella, and Natalia

—by Albert Caswell

FOURTH ANNUAL NATIONAL ASSOCIATION OF CHAIN DRUG STORES RxIMPACT DAY ON CAPITOL HILL

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. TERRY. Mr. Speaker, this week is the Fourth Annual National Association of Chain Drug Stores RxIMPACT Day on Capitol Hill, where we recognize the pharmacy's contribution to the health care system. Hundreds of representatives from the pharmacy community—including practicing pharmacists, pharmacy school faculty and students, state pharmacy leaders, and pharmacy company executives—will visit Capitol Hill to share their views about the importance of supporting legislation that protects access to neighborhood pharmacies and utilizes pharmacists to improve the quality of care and reduce the cost of health care.

Pharmacists are the nation's most accessible healthcare providers, and are important providers in communities across America. Pharmacists serve an important role in our health care system as they help improve quality and lower health care costs. For over a century, they have made a difference in the lives of my fellow citizens in Nebraska, as well as Americans throughout the nation.

Pharmacists received specialized educational training that allows them to play a major role in our health care system. These important services include medication therapy management, disease state management, immunizations, and healthcare screenings. Pharmacists are also uniquely qualified to educate and help patients manage their medications, which is extremely important to helping keep our population healthy and control costs.

On this day, I hope you will join me in celebrating the value of pharmacy and support efforts to protect access to neighborhood pharmacies.

IN OPPOSITION OF H.R. 3606—THE JUMPSTART OUR BUSINESS STARTUPS ACT

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Ms. SCHAKOWSKY. Mr. Speaker, on March 8, I voted against H.R. 3606, the Jumpstart Our Business Startups Act. H.R. 3606 has the admirable goal of increasing access to capital for small businesses, a goal that I strongly support. Unfortunately, I cannot support the legislation because, at the same time that it seeks to help small businesses, it takes away critical protections for investors.

In the wake of the Enron scandal, Congress acted to improve corporate transparency and give potential investors—particularly small investors—access to the information they need to make sound financial decisions. H.R. 3606 eliminates many of those provisions and, by doing so, leaves unsophisticated investors vulnerable. We can and should promote the interests of American entrepreneurs and small business owners without taking away recently passed rights for small investors. It is the wrong medicine for American small business growth.

The bill would give new companies up to five years to raise money from the public, eliminating the current requirements that an assessment of the soundness of the company's internal controls be included as part of the financial statement audit and made available to investors. That allows companies to raise money from unsophisticated investors without reasonable oversight of a company's operations.

It would enable crowd-funding, mass solicitations to investors who will now lack basic information about a company's financial soundness, a practice that is not currently allowed.

H.R. 3606 would increase the amount of capital that companies can raise from the public without triggering the full reporting and other obligations that are required under current law. That reporting includes compensation—including golden parachute compensation—of executives, making it incredibly difficult for even sophisticated shareholders to understand the status of their investment. In addition, it eliminates the Dodd-Frank requirement that shareholders approve compensation packages for emerging growth companies.

The JOBS Act would promote uncertainty, undermine capital markets, and therefore increase the cost of capital for the same small businesses it is meant to help. It would put us on a return course toward laissez-faire economics that previously led to the collapse of enormous companies to the economic ruin of their employees and investors. It is for these reasons that H.R. 3606 is opposed by the Council of Institutional Investors, the Consumer Federation of America, AARP, Americans for Financial Reform, the North American Security Administrators Association, and other consumer and investor organizations.

I urge my colleagues in the Senate to consider the ramifications of this legislation if it comes up for consideration.

HONORING REV. DR. CARL QUE HICKERSON

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. REICHERT. Mr. Speaker, I rise today to thank our guest chaplain, Rev. Dr. Carl Que Hickerson for dedicating his life to the faith and to his community.

Rev. Hickerson has been preaching the word of God his entire life and has made it his goal to share his passion with others.

Rev. Hickerson grew up in a religious household where he received guidance from

his father, Rev. Dr. Willis M. Hickerson and was called to become a preacher at a young age.

Through his ministry, he has many accomplishments. The Reverend helped revitalize the youth ministry of his home church in Pennsylvania, significantly increased church membership wherever he has served, established various mission ministries and invigorated the commitment to God in every community he has served.

Chaplain Hickerson is a proud husband of Mrs. Hickerson, where they live a happy life raising their daughter, Octavia Belle. He has learned, served, preached and taught nationally and internationally and is currently the seventh pastor of the historic Springfield Baptist Church of Washington, DC.

On behalf of Washington's Eighth Congressional District, it is my pleasure to introduce our Guest Chaplain for today, Rev. Dr. Carl Que Hickerson.

RECOGNIZING THE VICTIMS AND TRAGEDY CAUSED BY RECENT STORMS

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today in solemn recognition of a tragedy that took place in my home State of Illinois and throughout the Midwest last week. On February 29th, storms ravaged homes and businesses leaving 39 people dead due to the severe weather that swept through the middle of the country.

I offer my condolences to the families who have lost loved ones in this tragedy. I know that my words offer little in the way of comfort, but I must offer them, for the families that have been affected are in my thoughts and prayers. The lives taken in these recent events are truly a misfortune to behold. I mourn the lives lost and feel heartfelt sorrow for the families that have been denied future time with their loved ones. I ask my countrymen for their assistance to help alleviate the anguish of the victims of this disaster, either through volunteering or by being there for your neighbor in their time of need.

While it is difficult to find positives amidst such a catastrophe, upon further examination, admiration and honor should be recognized. As we can see across the country, there are stories of courage, generosity, selflessness, and kindness. These acts deserve our praise. At this moment, there are people volunteering to help rebuild communities that have been damaged and destroyed. Such communities are a representation of a cause greater than one's self. By helping to rebuild a neighborhood people are demonstrating their belief in an altruistic form of living. I offer my admiration to the volunteers' courage and sacrifices made in the face of extreme adversity. I thank the Red Cross, the Salvation Army, Team Rubicon, and other organizations for their efforts during this crisis. Their support has proven to me that these storms may destroy homes, level businesses, and take valuable lives in the process, but they cannot destroy the human spirit. One person's willpower is stronger than wooden buildings, brick foundations, and steel structures. During times of great hardship, Americans have routinely made a determined effort to move forward. So, to all those that have been affected by this tragedy: victims, rescuers, and volunteers alike, may God bless you all.

ON THE RETIREMENT OF C–SPAN FOUNDER AND CEO BRIAN LAMB

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. WOLF. Mr. Speaker, I rise today to recognize and honor Brian Lamb, the founder and CEO of C–SPAN, who recently announced his decision to retire.

Mr. Lamb founded the non-profit educational network 34 years ago and since then has worked tirelessly to bring live coverage of government and politics to the American people. Before Mr. Lamb created C–SPAN, most Americans had to rely exclusively on news reports about what their representatives said and did in Washington. Because of his vision, millions of Americans everyday can see and hear government in action for themselves. I have had the privilege of working with Mr. Lamb over the years and I am a proud supporter of his efforts to make government transparent and accessible.

I commend Mr. Lamb for his vision, humility and his commitment to educating Americans about history and the government. I wish him all the best in his future career endeavors. I commend the following article to my colleagues.

C–SPAN FOUNDER LAMB STEPS DOWN AFTER 34 YEARS

(By Paul Farhi)

Want to know just how purposefully unglamorous and resolutely non-partisan is C–SPAN, the pioneering public-affairs TV network founded by Brian Lamb in 1978?

Consider this: In countless appearances spanning thousands of hours of interviews and call-in programs, Lamb has never once uttered his own name on the air. Too showy. Too much like regular TV, which is what Lamb, a stolid Hoosier, has always sought to avoid.

''No one does that here,'' he protested on Monday. ''We just don't do it. It's always been part of our mission not to make us the center of attention . . .. We're the antithesis of everything you see on commercial television.''

So Lamb, typically, also wasn't making a big deal about the news C–SPAN buried in the second paragraph of a news announcement it issued in the dead of Sunday evening: that after 34 years as C–SPAN chief executive, he's stepping down from running the Washington-based operation he conceived and built.

Lamb, 70, isn't fading away entirely. He'll continue as executive chairman of the nonprofit organization and as host of ''Q & A,'' his Sunday interview program. He also plans to continue teaching, primarily at Purdue University, his alma mater.

But he's handing over day–to–day operations to two successors–in–waiting: current co–presidents Rob Kennedy, 55, and Susan Swain, 57, both longtime C–SPAN hands.

''This has been something I've wanted to do for a while,'' Lamb said. ''I wanted an orderly transition when everyone was ambulatory and standing up, with some thought behind it.''

Lamb was a young naval officer in the 1960s who used to slip over to the Capitol from the Washington Navy Yard to watch floor debates in the House and Senate. He later served as a telecommunications staffer in the Johnson and Nixon administrations and as a press secretary for Colorado Sen. Peter Dominick (R).

As the Washington bureau chief of the cable TV trade magazine Cablevision in the 1970s, Lamb cooked up the idea for a network that would cover, with utter dispassion, the congressional debates that he'd witnessed during his Navy days. Lamb rustled up the money from some public relations–conscious cable barons and set about convincing the House to let TV cameras onto the floor.

C–SPAN, which stands for Cable Satellite Public Affairs Network, was among the first nationally distributed cable channels, following after the debut of HBO, Showtime, Pat Robertson's CBN Network, and WTBS, Ted Turner's ''super station.'' It is now composed of three networks, plus a Washington radio station (WCSP, 90.1 FM), and a massive and historically rich video archive of congressional sessions, hearings, speeches, campaign rallies, think–tank conferences, author interviews and what–haveyous from C–SPAN over the years.

Lamb holds the distinction of being the only one of those early network founders not to become a billionaire from his creation. On the other hand, he says, ''I never wanted to be rich. I wasn't the slightest bit interested in that.''

He had to settle instead for helping to revolutionize the political culture of Washington. What MTV did for popular music—that is, helped make it theatrical and visual—C–SPAN did for Congress and the wonks who follow it.

C–SPAN's gavel–to–gavel coverage of the House changed the spontaneous, free-wheeling debates on the floor into more scripted and polished speeches played for the TV cameras, said Charles Johnson, a former House parliamentarian. Members became conscious that their words weren't just going into the Congressional Record; they now had an audience at home, leading to charts and props and camera–friendly displays that hadn't existed before.

It also led to an increase in grandstanding. In 1984, the fiery, after–hours speeches of a young Republican backbencher named Newt Gingrich (R–Ga.) so angered House Speaker Tip O'Neill (D–Mass.) that he ordered the House cameras (then as now under House control) to pan the empty chamber in an effort to embarrass Gingrich.

Nevertheless, after disdaining to follow the House for more than six years, the Senate finally relented and let C–SPAN carry its proceedings live in 1986.

Having the cameras on hand ''changed the quality of the oratory,'' said Johnson, avoiding direct judgment on whether it did so in a good or bad way.

Lamb says he doesn't care either way: ''If there's a public meeting, there ought to be cameras there,'' he says. ''Those meetings are paid for by we, the taxpayers. People should be able to see what [the elected officials] look like, what the buildings look like, what language they're using.''

Through all those decades, Lamb has been the continuous thread: unflashy, unemotional, ''a video Buddha, television's most stationary being,'' in the words of one magazine writer. In 23 years of hosting ''Booknotes,'' his author–interview show, for example, he notes that he never missed a single Sunday night, for 52 weeks every year. In total, he's logged more hours on national TV than perhaps any person in America.

He's not bragging about that, of course. Or much else.

''I never thought the person on top here mattered all that much, except to keep the rhythm of the place going,'' he said. ''We've established a good transition. I don't think my departure will be more than a blip on the radar screen.''

HONORING ROHAIL DADWANI

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. OLSON. Mr. Speaker, I am privileged to interact with some of the brightest students in the 22nd Congressional District who serve on my Congressional Youth Advisory Council. I have gained much by listening to the high school students who are the future of this great Nation. They provide important insight into the concerns of our younger constituents and hopefully get a better sense of the importance of being an active participant in the political process. Many of the students have written short essays on a variety of topics and I am pleased to share these with my House colleagues.

Rohail Dadwani is a senior at Clements High School in Fort Bend County, Texas. His essay topic is: In your opinion, what role should government play in our lives?

Government is crucial in our lives. Without government, we would all be barbarically fighting for the limited amount of resources we have available. Government helps our society function the way it is, but just like anything else, too much of a good thing can be bad. Therefore, government intervention should be limited on our lives. Too much government control can lead to dictatorships or the government playing a ''Big Brother'' kind of role. This ''Big Brother'' type of rule would be bad in the long run because the people would lose faith in the government, so the citizens would try to find any way they can to overthrow the government. Government's role should be to help society but within its boundaries set by society. Crossing these boundaries can lead to too much government intervention in our society. I think the boundary that the government should never cross would be the boundary of the government tracking your every move and everything you do. The government's main role should be to lay down the expectations, make laws that people should follow, help society when needed, but don't interfere in society so much that it makes the people dependent on the government to run effectively. The government's role is important to how this society functions. Therefore, the government needs to let society work in a way so that it isn't making the society completely dependent on them. Every individual should be able to speak their mind, without control, to promote new ideas that better society. That can only happen with a limited government role, to make society work on its own. The government should do nothing except give a little push to society every now and then to keep it running. With this, the government isn't running our everyday lives but just helping us to be able to run it ourselves. We should all follow the government's laws but, at the same time, be able to have a mind of our own. To conclude, the government shouldn't play a huge role in our every day lives, rather a limited one, so we can be more effective on our own and be able to think for ourselves.

PERSONAL EXPLANATION

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. SESSIONS. Mr. Speaker, on rollcall No. 115, had I been present, I would have voted ''nay.''

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, when George W. Bush was inaugurated, the national debt was $5,727,776,738,304.64. When Barack Obama was inaugurated, the national debt was $10,626,877,048,913.08. This was a $4,899,100,310,608.44 increase in 8 years. Today, the debt is $15,583,383,846,149.34, which means that President Obama has raised the debt more in just over 3 years than President Bush did in 8 years.

This is debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

HONORING THE 40TH ANNIVERSARY OF TAN HOLDINGS CORPORATION

HON. GREGORIO KILILI CAMACHO SABLAN

OF THE NORTHERN MARIANA ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. SABLAN. Mr. Speaker, forty years ago—on July 24, 1972—Tan Siu Lin, arrived in Guam from Hong Kong with a young family, one cargo ship, and plenty of ambition. He began buying surplus materials from the military in Guam and shipping those goods around the Western Pacific while distributing American movies, an especially prized commodity, to the islands.

Over the years, Doctor Tan, along with his wife Lam Pek Kim, and their children, Henry, Willie, Lilly, Raymond, Jerry, and Sunny, nurtured their small, homegrown enterprise into the 40,000-employee, international powerhouse of affiliated companies that it is today. From tourism, to insurance, logistics, information, and entertainment, Tan Holdings is vital to the economies and communities of the island Pacific.

The Tan family has not only brought employment and economic opportunity to our islands, they have brought our islands to the world. Tan Holdings is our region's premier exporter of tourism and importer of tourists. Starting with Century Travel Agency in 1992, then with the addition of the Fiesta Resort and Spa Saipan, the Fiesta Resort and Spa Guam, and the Saipan Grand Hotel, the Tans have contributed significantly to the islands' economic mainstay of tourism. Even when times have been difficult, Tan Holdings President Jerry Tan has declared, as he did this past January keynoting the Saipan Chamber of Commerce's annual gala, his company's campaign to ''Believe in CNMI,'' and backed up that declaration by confirming that Tan Holdings would soon be launching a new airline. Saipan Air will initially bring tourists from Japan and China to the Mariana Islands, but no doubt with Tan Holding's business acumen, the airline will soon be a force throughout the Asia-Pacific Region. Tan Holdings is no stranger to the airline industry. In 1991, the company established POI Aviation to provide ground-handling services for Northwest Airlines, Asiana Airlines, United Airlines, Korean Air, and other private airlines. And in 1999, the company began operating Asia Pacific Airlines, which provides air cargo services to the region's tuna fishing industry.

Nor is Tan Holdings limited to tourists and airplanes. Through its subsidiary Century Insurance Groups the company is the number one property and casualty underwriter in the Marianas. Tan Holding's Realty Management Services owns and operates approximately 150 residential apartment units on the island of Saipan. And Tan Holdings developed one of the preeminent buildings in our islands: TSL Plaza, which is a flagship for their commercial real estate holdings in Micronesia.

The Tan portfolio includes Cosmos Distributing and Dickerson & Quinn International Distributors, bringing some of the world's best-known consumer brands to island businesses and residents, names such as Procter & Gamble, Campbell's, Gillette, Nabisco, Cadbury, and General Mills. In Guam the public benefits from the company's investment in Tango Theaters, which provide world-class movie viewing at seventeen screens in the Micronesia Mall and Agana Shopping Center. And in Saipan the community gets its daily news from the Saipan Tribune, which has been a trusted outlet of information since 1993.

One of the greatest contributions of the Tan family and Tan Holdings to our community, however, has been the establishment of the Tan Siu Lin Foundation. Although the Tan family has been generous to the island community throughout all of Tan Holdings' 40 years, the formal establishment of the Tan Siu Lin Foundation in 2009, heralded a new beginning in regional philanthropy. The TSL Foundation has donated millions of dollars to deserving, nonprofit, educational, athletic, and community ventures in our islands. Guided by its motto of ''iServe. iGive back.'' the Foundation has not only donated from its corporate proceeds, but has also encouraged philanthropy at the grass-roots level—through its employees. The social responsibility practiced and taught by the TSL Foundation will be as enduring in our islands as any of the Tan Holdings businesses.

Please join me in congratulating Dr. Tan Siu Lin, and his family, for their 40 years of contribution to the commerce, economy, and livability of the Northern Mariana Islands and all of Micronesia.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Ms. LEE of California. Mr. Speaker, I was not present for rollcall vote 112–117. Had I

been present, I would have voted ''no'' on #112, ''no'' on #113, ''yes'' on #114, ''yes'' on #115, ''yes'' on #116 and ''no'' on #117.

HONORING THE LIFE OF VIRGIL WIKOFF

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today to honor of the life of Virgil Wikoff.

The Champaign-Urbana community grieves at the loss of Virgil Wikoff. This former Champaign mayor and State Representative was a rock of strength and stability through some of the most tumultuous times in local history. Virgil Wikoff saw us through those times with courage and a steadfast temperament.

His passing follows in far too short an order the passing of former Champaign Mayor Bill Bland, and former Urbana Mayors Jeff Markland and Hiram Paley. I served with Mayors Markland and Paley on the Urbana City Council, and with Mayor Wikoff in the General Assembly. The loss of these men hits close to home. One is always reminded of one's own mortality with the loss of friends and colleagues.

But the losses of these individuals, each of them exceptional, is even more profound. They represented the best of our two cities, selfless in their public service and passionate in executing the duties of their offices.

HONORING THE LIFE AND LEGACY OF JUDGE ISIAH COURTNEY SMITH

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to honor the life and legacy of an outstanding human being. Isiah Courtney Smith, a former judge, pioneer and, personal friend of mine, passed away on February 29, 2012 at the age of 89.

Judge Smith, also known to many as ''I.C.'' was born on September 15, 1922 in Lake Helen, Florida. In 1940, after graduating from Euclid High School in Deland, he went on to enroll at Florida A&M College, where I also attended law school. Judge Smith's education at Florida A&M was interrupted by World War II, when he volunteered and was assigned to an intake facility near Raiford. It was at this facility where Judge Smith demonstrated his first acts of courage by marching through a segregated camp to inform the white officers of his resignation. A year later, Judge Smith was officially drafted. After his service, Judge Smith returned to his studies and graduated with a degree in history. At this point, he had also met and fallen in love with Henrietta Mays and together they moved to New York while Judge Smith attended Brooklyn Law School. They were married on January 1, 1949.

In 1954, Judge Smith received his law degree and started a practice with his college friend William Holland. This partnership would be the catalyst for the civil rights movement in Palm Beach County. Judge Smith lived in a time where there were many barriers to social mobility for those of color. Institutionalized discrimination prevented many African Americans in this country from reaching their potential, but my dear friend Judge Smith possessed skills and abilities that could not be suppressed and that he used to fight for the civil rights of others.

As the third African American lawyer in Palm Beach County, Judge Smith was well aware of the injustices occurring in his community. He became a champion of civil rights and was a voice for those who were treated as second class citizens based on the color of their skin. Judge Smith and his partner William Holland orchestrated the movement to desegregate Palm Beach County's public schools after the Supreme Court's ruling of ''separate but equal'' being unconstitutional was largely ignored throughout the county. In his own words, Judge Smith wisely stated that: ''Nothing separate can ever be equal''—a sentiment that I strongly agree with. In addition to his quest for equal access to public education, Judge Smith and Mr. Holland fought together to integrate the West Palm Beach municipal golf course and to eliminate separate eating and bathroom facilities on Florida's turnpike. It is hard to fathom the amount of courage required to combat bigotry and hatred, but Judge Smith faced these challenges head-on and spent his life taking a stand against those who sought to keep the status quo.

After spending many years in a successful private practice with Mr. Holland, he was appointed as a Palm Beach County Court judge in 1986 by Governor Bob Graham. During his time on the bench, Judge Smith was known for his professionalism. After serving in this capacity for six years, he retired at the age of 70.

Mr. Speaker, I would like to take this opportunity to offer my sincere condolences to all those who have been impacted by the loss of such a great man. My thoughts are with Judge Smith's wife Dr. Henrietta Smith, their two children Robin Smith and Reverend Cynthia Smith Jackson, and all of their family and friends during this most difficult time. I was truly honored to have known Judge Smith. He was a tremendous individual whose commitment to bettering South Florida, and working selflessly to ensure equal rights for all Americans will never be forgotten.

TRIBUTE TO BEVERLY D. CLYBURN

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a tremendous public servant, a passionate educator, and a dear friend and relative. Beverly Clyburn is being honored on March 23, 2012 for her service on Aiken City Council. She retired in November 2011 after 22 years of dedicated service to the City of Aiken.

Beverly LaVerne Dozier was born in Georgetown, South Carolina to Maggie and William Dozier. She was the fifth of eight children and one of seven girls. From an early age, Beverly loved to learn and she graduated in 1961 as Salutatorian of Howard High School.

She went on to attend Allen University in Columbia, South Carolina, and graduated with honors in 1965, with a degree in Chemistry and Mathematics. It was there that she met her husband, and my cousin, William ''Bill'' Clyburn. In 1978, Beverly earned a Masters Degree in Secondary Guidance from the University of South Carolina.

Beverly's first love is education, and she spent 42 years as an educator in both Aiken and Allendale counties. She served as a guidance counselor at Midland Valley High School and guidance director at South Aiken High School, a position she retired from in 1999. Following retirement she was drawn back into education to help improve the Allendale County schools after a State take-over. Today she continues to work in education at the Aiken Performing Arts Academy as a part-time assistant director and guidance counselor.

In 1988, Beverly was urged by members of the community to run for Aiken City Council. She took on the challenge, and won the District 1 seat. She is known for her thoroughness on council, diligently studying every issue and visiting the sites that would be impacted before she cast her vote.

During her tenure on council, she has participated in numerous development projects including the 10-year renewal plan for Aiken's Northside, the Crosland Park redevelopment project, the Center for African American History, Art and Culture, and the Aiken Visitors Center and Train Museum. She served as Mayor Pro Tem from 2002–2004, and has been honored for her work in chairing the first four NLC Diversity Breakfasts. She has also served as the chair of the Aiken County DSS Board.

In 2001, the South Carolina General Assembly honored Beverly for her work in Aiken and Allendale counties and the State of South Carolina. The Greater Aiken Chamber of Commerce named her the 2009 Woman of the Year for her commitment to the Aiken area. She has also earned the honor of Woman of Distinction from her church, Cumberland African Methodist Episcopal.

Beverly and Bill have been married for 47 years, and are the parents of three adult children—William, Jr., Wilson, and Courtney. They also served as foster parents to daughter, Carmen. Today they have three grandchildren, and spending more time with her beloved family was the impetus for her retirement from Aiken City Council.

Mr. Speaker, I ask you and our colleagues to join me in congratulating Beverly Dozier Clyburn on a job well done. She has spent her entire career in public service whether as an educator or an elected official. Her efforts have made Aiken County a better place, and she has been a positive influence on countless lives along the way. I wish her all the best in this new chapter in her life, and knowing Beverly as I do, look forward to her continued work on behalf of others.

PERSONAL EXPLANATION

HON. ROBERT T. SCHILLING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. SCHILLING. Mr. Speaker, on Monday, March 19, 2012, due to an unexpected flight

delay in Chicago, Illinois that prevented my travel, I was unable to cast my vote for roll Number 111.

Had I been present, I would have voted "yea" on H.R. 3992 which passed by an overwhelming bipartisan vote of 371–0. I believe by allowing our allies, such as Israel, to invest in businesses in the United States, we are encouraging job creation and bringing more innovative ideas that will benefit all Americans.

Currently, citizens in 75 countries are eligible to apply for E–2 visas which are non-immigrant visas valid for up to two years and allow visa holders to oversee businesses in which they have considerable capital invested. Prior to 2003, countries could become eligible if specified in trade agreements but now separate legislation is required to add countries to the program.

Countries eligible for E–2 visas span from Albania to Pakistan to the United Kingdom and in Fiscal Year 2010, more than 25,000 E–2 visas were granted. Israel has a reciprocal program allowing United States investors the same ability. E–2 visas invest in our economy and foster working relationships with other countries. Adding Israel to this list will only continue these efforts.

Again, had my flight from Chicago to Washington, DC had not been delayed, I would have voted in support of H.R. 3992.

HONORING SAYDI WOLLNEY

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. OLSON. Mr. Speaker, I am privileged to interact with some of the brightest students in the 22nd Congressional District who serve on my Congressional Youth Advisory Council. I have gained much by listening to the high school students who are the future of this great nation. They provide important insight into the concerns of our younger constituents and hopefully get a better sense of the importance of being an active participant in the political process. Many of the students have written short essays on a variety of topics and I am pleased to share these with my House colleagues.

Saydi Wollney is a senior at Pearland High School in Brazoria County, Texas. Her essay topic is: In your opinion, what role should government play in our lives?

Although the United States government provides services such as roadways, protection from harm—both foreign and domestic—and regulation of food and drugs, I believe the government has, at times, stepped over their boundaries and infringed upon the rights of the people.

The recent SOPA (Stop Online Piracy Act) and the Protect IP Act wanted to shut down websites which illegally provided services such as making music, videos, and movies available for free download. In doing this, the government also restricted and suppressed websites which were informational and helpful to the public. In this way, the government inadvertently infringed upon the rights of citizens of the United States. After the incident of SOPA closing down Wikipedia for a short while, I noticed it was a popular conversation being held around school. My peers were unhappy and disliked the fact that the government seemed to have overstepped their boundaries. I realize that the government was doing what they think was best for United States citizens at this point in time, but I believe their actions could have been delivered in a more friendly and informative way.

The issues with Medicaid and Medicare have citizens of the United States disagreeing with one another. Some people believe that Medicaid is a system that simply takes the money that citizens pay in taxes and utilizes it to care for people with a lower level of income. On the other hand, the other people believe that Medicaid is a good cause and is beneficial to those who are in need. The recent health care reform laws have been viewed by many as the government slowly taking control of the health care system. However, other people believe that the health care reform is beneficial and helpful to the American people, including those who could not previously afford health care.

Recently, there have been many debated issues over whether or not the government of the United States is overstepping its own boundaries and regulations of the country. I believe that most of the actions that I have discussed have been beneficial for the United States citizens, with exception of the SOPA and PIPA acts.

A TRIBUTE TO THE SOLDAN HIGH SCHOOL TIGERS, WINNERS OF THE MISSOURI CLASS 4 STATE TITLE FOR BASKETBALL AND STATE CHAMPIONS

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. CLAY. Mr. Speaker, I rise today to pay tribute to Missouri's own Class 4 State Basketball Champions, the Soldan High School Tigers.

Soldan High School's convincing 55–42 victory over Springfield Hillcrest at the Mizzou Arena in Columbia was the culmination of three years hard work and dedication, resulting in the Tiger's first state championship in basketball in 31 years. Under the leadership of Head Coach Justin Tatum, the Tigers defeated some of the best teams in the nation, outscoring their playoff opponents by an unbelievable average of 24 points a game.

The men of the Soldan High School Tigers are more than merely teammates, they are a band of brothers. Many of the Tigers have played on the same teams since grade school, their recent victory a fitting reward for years of dedication to both each other and the sport of basketball. Especially for Soldan's nine-man senior class of Devin Booker, Aaron Diamini, Kawan Griffin, Randy Holmes, Paul McRoberts, Jibreel Muhammad, Partice Sanders, Elva Shelton, and Rashad Simmons, the season, and their high school careers, ended exactly how they hoped they would.

Mr. Speaker, Coach Tatum and the men of the Soldan High School Tigers are true examples of character and sportsmanship, and I urge my colleagues to join me in honoring their remarkable achievement.

PERSONAL EXPLANATION

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. SESSIONS. Mr. Speaker, on rollcall No. 117, had I been present, I would have voted "yea."

HONORING LARRY SLY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

Mr. GEORGE MILLER of California. Mr. Speaker, it is with great pleasure that I rise today to recognize and congratulate Larry Sly, Executive Director for the Food Bank of Contra Costa and Solano, as he retires after 35 years of public service.

A graduate of the University of California, Berkeley, Larry began his career as an Executive Director with the Food Bank of Contra Costa in 1976. Starting with just two employees, Larry brought the organization a truck and trailer, where he stored bread that he picked up from a local grocery store. Soon, people in the area from local churches began distributing this bread to underprivileged people of the community.

In Larry's first year as Executive Director of the Food Bank of Contra Costa, the organization distributed approximately 36,000 pounds of food to people in need of assistance in the local area. Eventually, the Food Bank would merge with a struggling Solano County Food Bank and develop a greater outreach program within the region. Every year, with Larry's leadership, the Food Bank steadily increases the number of families who received food donations and groceries; last year they distributed over 14 million pounds of food.

During his time with the Food Bank, Larry has developed successful programs to help locals and agencies distribute food in a cheaper, more efficient manner. One such program, the Senior Food Program, provides low income senior citizens the opportunity to receive free groceries each month. Another, the Farm to Kid Program, provides five pounds of food every week for low income families as well as three to five pounds of fresh produce for every child in after school programs at low-income schools.

Throughout his career in public service, Larry has served at a number of statewide and national organizations, He served as Vice Chair of the Board of Directors of Feeding America and the National Food Bank Network, as well as on the Board of Directors at the California Association of Food Banks and the Emergency Food and Shelter Board in Contra Costa County. In 2009, Larry also served as Interim Executive Director for Feeding America San Diego, where he helped improve and manage the organization.

Mr. Speaker, I invite this chamber to join me in recognizing Larry Sly for his commitment

and significant service to the people of Contra Costa and Solano Counties. I applaud Larry's contributions on behalf of the underprivileged, and his efforts to increase awareness of hunger and food security issues throughout California and the Nation. Larry's leadership throughout his career provides a positive example for those planning to serve their communities. I am pleased to join his family, colleagues, and friends in congratulating him as he retires from the Food Bank of Contra Costa and Solano.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 22, 2012 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 27

9:30 a.m.
Armed Services
To hold hearings to examine U.S. Strategic Command and U.S. Cyber Command in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC–217 following the open session.
SD–106

10 a.m.
Environment and Public Works
Green Jobs and the New Economy Subcommittee
Oversight Subcommittee
To hold a joint oversight hearing to examine the Environmental Protection Agency's (EPA) work with other Federal entities to reduce pollution and improve environmental performance.
SD–406

Judiciary
Immigration, Refugees and Border Security Subcommittee
To hold hearings to examine the economic imperative for promoting international travel to the United States.
SD–226

Appropriations
Military Construction and Veterans Affairs, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2013 for the Department of Defense and the Department of the Army.
SD–124

10:30 a.m.
Banking, Housing, and Urban Affairs
Housing, Transportation and Community Development Subcommittee
To hold hearings to examine the choice neighborhoods initiative, focusing on a new community development model.
SD–538

2 p.m.
Joint Economic Committee
To hold hearings to examine monetary policy going forward, focusing on why a sound dollar boosts growth and employment.
SH–216

2:15 p.m.
Foreign Relations
Business meeting to consider S. Res. 356, expressing support for the people of Tibet, S. Res. 395, expressing the sense of the Senate in support of the North Atlantic Treaty Organization and the NATO summit to be held in Chicago, Illinois from May 20 through 21, 2012, S. Res. 397, promoting peace and stability in Sudan, S. Res. 80, condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights, S. Res. 391, condemning violence by the Government of Syria against journalists, and expressing the sense of the Senate on freedom of the press in Syria, S. Res. 344, supporting the democratic aspirations of the Nicaraguan people and calling attention to the deterioration of constitutional order in Nicaragua, the nominations of Julissa Reynoso, of New York, to be Ambassador to the Oriental Republic of Uruguay, and Gina K. Abercrombie-Winstanley, of Ohio, to be Ambassador to the Republic of Malta, both of the Department of State, and lists in the Foreign Service.
S–116, Capitol

2:30 p.m.
Armed Services
Airland Subcommittee
To hold a hearing to examine Army modernization in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.
SR–222

Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings to examine the Department of Defense's role in implementation of the National Strategy for Counterterrorism and the National Strategy to Combat Transnational Organized Crime in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.
SR–232A

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

2:45 p.m.
Finance
Energy, Natural Resources, and Infrastructure Subcommittee
To hold hearings to examine renewable energy tax incentives, focusing on how have the recent and pending expirations of key incentives affected the renewable energy industry in the United States.
SD–215

MARCH 28

9:30 a.m.
Armed Services
SeaPower Subcommittee
To receive a closed briefing on the Ohio-class Replacement Program in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.
SVC–217

10 a.m.
Appropriations
Department of Defense Subcommittee
To hold hearings to examine Department of Defense health programs.
SD–192

Foreign Relations
To hold hearings to examine United States policy on Iran.
SD–419

Homeland Security and Governmental Affairs
Business meeting to consider pending calendar business.
SD–342

Judiciary
To hold hearings to examine the Special Counsel's report on the prosecution of Senator Ted Stevens.
SD–226

Appropriations
Departments of Labor, Health and Human Services, and Education, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2013 for the National Institutes of Health.
SD–124

Veterans' Affairs
To hold hearings to examine the nominations of Margaret Bartley, of Maryland, and Coral Wong Pietsch, of Hawaii, both to be a Judge of the United States Court of Appeals for Veterans Claims.
SR–418

10:30 a.m.
Inaugural Ceremonies—2012
Organizational business meeting to consider an original resolution authorizing expenditures for committee operations and committee's rules and procedure for the 112th Congress.
S–216, Capitol

2 p.m.
Appropriations
Commerce, Justice, Science, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2013 for the National Aeronautics and Space Administration.
SD–124

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine the science and standards of forensics.
SR–253

Banking, Housing, and Urban Affairs
Economic Policy Subcommittee
To hold hearings to examine retirement, focusing on examining the retirement savings deficit.
SD–538

Appropriations
Energy and Water Development Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2013 for the Army Corps of Engineers and Bureau of Reclamation.
SD–192

Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee
To hold hearings to examine assessing efforts to combat waste and fraud in Federal programs.
SD–342

Appropriations
Financial Service and General Government Subcommittee
To hold hearings to examine enhancing economic growth, focusing on the Department of the Treasury's responses to the foreclosure crisis and mounting student loan debt.
SD–138

Judiciary
To hold hearings to examine certain nominations.
SD–226

MARCH 29

9:30 a.m.

Armed Services

To hold hearings to examine the nominations of Frank Kendall III, of Virginia, to be Under Secretary for Acquisition, Technology, and Logistics, James N. Miller, Jr., of Virginia, to be Under Secretary for Policy, Erin C. Conaton, of the District of Columbia, to be Under Secretary for Personnel and Readiness, Jessica Lynn Wright, of Pennsylvania, and Katharina G. McFarland, of Virginia, both to be an Assistant Secretary, and Heidi Shyu, of California, to be an Assistant Secretary of the Army, all of the Department of Defense.

SD–G50

10 a.m.

Homeland Security and Governmental Affairs

Contracting Oversight Subcommittee

To hold hearings to examine contractors, focusing on how much they are costing the government.

SD–342

Health, Education, Labor, and Pensions

To hold hearings to examine Food and Drug Administration (FDA) user fee agreements, focusing on strengthening FDA and the medical products industry for the benefit of patients.

SH–216

Small Business and Entrepreneurship

To hold hearings to examine the President's proposed budget request for fiscal year 2013 for the Small Business Administration.

SR–428A

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

APRIL 18

2:30 p.m.

Armed Services

Readiness and Management Support Subcommittee

To hold hearings to examine financial management and business transformation at the Department of Defense.

SD–G50

APRIL 25

2 p.m.

Armed Services

Personnel Subcommittee

To resume hearings to examine the Active, Guard, Reserve, and civilian personnel programs in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.

SD–106

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S1873–S1953

Measures Introduced: Eight bills and four resolutions were introduced, as follows: S. 2215–2222, S.J. Res. 38, and S. Res. 401–403. **Page S1932**

Measures Passed:

Authorizing testimony, document production, and legal representation: Senate agreed to S. Res. 403, to authorize testimony, document production, and legal representation in *United States v. Richard F. "Dickie" Scruggs*. **Pages S1944–45**

Measures Considered:

Reopening American Capital Markets to Emerging Growth Companies Act—Agreement: Senate continued consideration of H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies, taking action on the following amendments proposed thereto: **Pages S1884–S1919**

Pending:

Reid (for Merkley) Amendment No. 1884, to amend the securities laws to provide for registration exemptions for certain crowdfunded securities. **Pages S1884, S1886–96**

Reid (for Reed) Amendment No. 1931 (to Amendment No. 1884), to improve the bill. **Pages S1884–86**

During consideration of this measure today, Senate also took the following action:

By 76 yeas to 22 nays (Vote No. 53), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the bill. **Page S1884**

Reid motion to recommit the bill to the Committee on Banking, Housing, and Urban Affairs, with instructions, Reid Amendment No. 1838, to change the enactment date, fell when cloture was invoked on the bill. **Page S1884**

Reid Amendment No. 1839 (to (the instructions) Amendment No. 1838), of a perfecting nature, fell when Reid motion to recommit the bill to the Committee on Banking, Housing, and Urban Affairs, with instructions, Reid Amendment No. 1838, fell. **Page S1884**

Reid Amendment No. 1840 (to Amendment No. 1839), of a perfecting nature, fell when Reid Amendment No. 1839 (to (the instructions) Amendment No. 1838), fell. **Page S1884**

Chair sustained a point of order that Reid (for Cantwell) Amendment No. 1836 (to the language proposed to be stricken by Amendment No. 1833), to reauthorize the Export-Import Bank of the United States, was not germane, and the amendment thus fell. **Page S1884**

Reid Amendment No. 1837 (to Amendment No. 1836), to change the enactment date, fell when Reid (for Cantwell) Amendment No. 1836 (to the language proposed to be stricken by Amendment No. 1833), fell. **Page S1884**

Chair sustained a point of order that Reid (for Reed) Amendment No. 1833, in the nature of a substitute, was not germane, and the amendment thus fell. **Page S1884**

Reid Amendment No. 1834 (to Amendment No. 1833), to change the enactment date, fell when Reid (for Reed) Amendment No. 1833, fell. **Page S1884**

Reid Amendment No. 1835 (to Amendment No. 1834), of a perfecting nature, fell when Reid Amendment No. 1834 (to Amendment No. 1833), fell. **Page S1884**

A unanimous-consent-time agreement was reached providing for further consideration of the bill at approximately 10:30 a.m., on Thursday, March 22, 2012, that the time until 12:30 p.m. be equally divided between the two Leaders, or their designees; that at 12:30 p.m., the post-cloture time be considered expired and Senate vote on or in relation to the following: Reid (for Reed) Amendment No. 1931 (to Amendment No. 1884), Reid (for Merkley) Amendment No. 1884, as amended, if amended, and passage of the bill, as amended, if amended; that there be two minutes equally divided in the usual form in-between the votes. **Page S1919**

Stop Trading on Congressional Knowledge Act—Agreement: A unanimous-consent-time agreement was reached provided that upon disposition of H.R.

3606, Reopening American Capital Markets to Emerging Growth Companies Act, Senate resume consideration of the House Message to accompany S. 2038, Stop Trading on Congressional Knowledge Act; that there be four minutes of debate equally divided in the usual form prior to the vote on the motion to invoke cloture on the motion to concur in the House Message to accompany S. 2038; that if cloture is invoked on the motion to concur; that all post-cloture time be yielded back; the motion to concur with an amendment be withdrawn; and the motion to concur be agreed to; that all after the first vote be ten minute votes; and that the filing deadline for second-degree amendments to Reid motion to concur with respect to S. 2038, be at 10:30 a.m., on Thursday, March 22, 2012. **Page S1945**

Bill Referral—Agreement: A unanimous-consent agreement was reached providing that H.R. 306, to direct the Secretary of the Interior to enter into an agreement to provide for management of the free-roaming wild horses in and around the Currituck National Wildlife Refuge, be discharged from the Committee on Energy and Natural Resources and be referred to the Committee on Environment and Public Works. **Page S1945**

Senator Mikulski Tributes—Agreement: A unanimous-consent agreement was reached providing that there be printed as a Senate document a compilation of materials from the *Congressional Record* in tribute to Senator Barbara Mikulski, and that Members have until Thursday, March 29, 2012, to submit such tributes. **Page S1945**

Nuffer, Abrams, and Contreras Nominations—Agreement: A unanimous-consent-time agreement was reached providing that following disposition of the House Message to accompany S. 2038, Stop Trading on Congressional Knowledge Act, Senate resume consideration of the following nominations: David Nuffer, of Utah, to be United States District Judge for the District of Utah, Ronnie Abrams, of New York, to be United States District Judge for the Southern District of New York, and Rudolph Contreras, of Virginia, to be United States District Judge for the District of Columbia; that there be two minutes for debate equally divided in the usual form; that upon the use or yielding back of time, Senate vote without intervening action or debate on confirmation of the nominations of David Nuffer, of Utah, to be United States District Judge for the District of Utah, Ronnie Abrams, of New York, to be United States District Judge for the Southern District of New York, and Rudolph Contreras, of Virginia, to be United States District Judge for the District of Columbia, in that order; and that no further motions be in order. **Page S1944**

Nominations Received: Senate received the following nominations:

Rainey Ransom Brandt, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

John S. Leonardo, of Arizona, to be United States Attorney for the District of Arizona for the term of four years.

2 Air Force nominations in the rank of general.

2 Army nominations in the rank of general.

4 Navy nominations in the rank of admiral.

Routine lists in the Army, and Navy.

Pages S1946–53

Messages from the House: **Page S1930**

Measures Referred: **Page S1930**

Executive Communications: **Pages S1930–32**

Additional Cosponsors: **Pages S1932–33**

Statements on Introduced Bills/Resolutions: **Pages S1933–42**

Additional Statements: **Pages S1929–30**

Amendments Submitted: **Pages S1942–43**

Notices of Hearings/Meetings: **Pages S1943–44**

Authorities for Committees to Meet: **Page S1944**

Record Votes: One record vote was taken today. (Total—53) **Page S1884**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 7:10 p.m., until 9:30 a.m. on Thursday, March 22, 2012. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S1945.)

Committee Meetings

(Committees not listed did not meet)

U.S. AIR TRAVEL

Committee on Appropriations: Subcommittee on Department of Homeland Security concluded a hearing to examine balancing prosperity and security, focusing on challenges for United States air travel in a 21st century global economy, after receiving testimony from John Pistole, Administrator, Transportation Security Administration, Thomas Winkowski, Acting Deputy Commissioner, Customs and Border Protection, and Doug Smith, Assistant Secretary for Private Sector, all of the Department of Homeland Security; David T. Donahue, Deputy Assistant Secretary of State for Visa Services; Roger Dow, U.S. Travel Association, Thomas L. Hendricks, Airlines of America, and Sara Nelson, Association of Flight Attendants—CWA, all of Washington, D.C.; Charles M. Barclay,

American Association of Airport Executives, Alexandria, Virginia; and Steven Hacker, International Association of Exhibitions and Events, Dallas, Texas.

APPROPRIATIONS: DEPARTMENT OF THE ARMY

Committee on Appropriations: Subcommittee on Department of Defense concluded a hearing to examine proposed budget estimates for fiscal year 2013 for the Department of the Army, after receiving testimony from John M. McHugh, Secretary of the Army, and General Rayomd T. Odierno, Chief of Staff, United States Army, both of the Department of Defense.

APPROPRIATIONS: NATIONAL NUCLEAR SECURITY ADMINISTRATION

Committee on Appropriations: Subcommittee on Energy and Water Development concluded a hearing to examine proposed budget estimates for fiscal year 2013 for the National Nuclear Security Administration, after receiving testimony from Thomas P. D'Agostino, Undersecretary for Nuclear Security, and Administrator, National Nuclear Security Administration, Department of Energy.

COMMODITY FUTURES TRADING COMMISSION

Committee on Appropriations: Subcommittee on Financial Service and General Government concluded a hearing to examine strengthening market oversight and integrity, focusing on fiscal year 2013 resource needs of the Commodity Futures Trading Commission, after receiving testimony from Gary Gensler, Chairman, Commodity Futures Trading Commission.

DEFENSE AUTHORIZATION REQUEST AND FUTURE YEARS DEFENSE PROGRAM

Committee on Armed Services: Subcommittee on Readiness and Management Support concluded a hearing to examine military construction, environmental, and base closure programs in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program, after receiving testimony from Dorothy Robyn, Deputy Under Secretary for Installations and Environment, Katherine G. Hammack, Assistant Secretary of the Army for Installation, Energy, and Environment, Jackalyne Pfannenstiel, Assistant Secretary of the Navy for Energy, Installations and Environment, and Terry A. Yonkers, Assistant Secretary of the Air Force for Installations, Environment, and Logistics, all of the Department of Defense.

DEFENSE AUTHORIZATION REQUEST AND FUTURE YEARS DEFENSE PROGRAM

Committee on Armed Services: Subcommittee on Strategic Forces concluded a hearing to examine military space programs in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program, including challenges the Department of Defense faces in realizing benefits of satellite acquisition improvements, after receiving testimony from Madelyn R. Creedon, Assistant Secretary for Global Strategic Affairs, John A. Zangardi, Deputy Assistant Secretary of the Navy for Command, Control, Communications, Computers, Intelligence, and Space, Robert S. Winokur, Director, Oceanography, Space and Maritime Domain, Awareness Division, OPNAV N2/N6, Information Dominance, General William L. Shelton, Commander, Air Force Space Command, and Lieutenant General Richard P. Formica, USA, Commanding General, U.S. Army Space and Missile Defense Command, and Army Forces Strategic Command, all of the Department of Defense; and Cristina T. Chaplain, Director, Acquisition and Sourcing Management, Government Accountability Office.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Tracey Ann Jacobson, of the District of Columbia, to be Ambassador to the Republic of Kosovo, Richard B. Norland, of Iowa, to be Ambassador to Georgia, Kenneth Merten, of Virginia, to be Ambassador to the Republic of Croatia, Mark A. Pekala, of Maryland, to be Ambassador to the Republic of Latvia, and Jeffrey D. Levine, of California, to be Ambassador to the Republic of Estonia, all of the Department of State, after the nominees testified and answered questions in their own behalf.

RETOOLING GOVERNMENT FOR THE 21ST CENTURY

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine retooling government for the 21st century, focusing on the President's reorganization plan and reducing duplication, and opportunities for improvement and considerations for reconstructing, including S. 2129, to provide for reforming and consolidating agencies of the Federal Government to improve efficiency and effectiveness, after receiving testimony from Daniel Werfel, Controller, Office of Management and Budget; and Patricia A. Dalton, Chief Operating Officer, Government Accountability Office.

DEPARTMENT OF HOMELAND SECURITY BUDGET

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the President's proposed budget request for fiscal year 2013 for the Department of Homeland Security, after receiving testimony from Janet Napolitano, Secretary of Homeland Security.

CONVICTING THE GUILTY AND EXONERATING THE INNOCENT

Committee on the Judiciary: Committee concluded a hearing to examine convicting the guilty and exonerating the innocent, including S. 250, to protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, after receiving testimony from Craig Watkins, Dallas County District Attorney, Dallas, Texas; Joshua Marquis, Clatsop County District Attorney, Astoria, Oregon; and Thomas Haynesworth, Richmond, Virginia.

VERIZON AND CABLE DEALS

Committee on the Judiciary: Subcommittee on Antitrust, Competition Policy and Consumer Rights concluded a hearing to examine Verizon and cable deals, after receiving testimony from Randal S. Milch, Verizon Communications Inc., and Tim Wu, Columbia Law School, both of New York, New York; David L. Cohen, Comcast Corporation, Philadelphia, Pennsylvania; and Charles F. Rule, Cadwalader, Wickersham and Taft LLP, Steven K. Berry, RCA, and Joel Kelsey, Free Press, all of Washington, D.C.

VETERANS ORGANIZATIONS LEGISLATIVE PRESENTATIONS

Committee on Veterans' Affairs: Committee concluded a joint hearing with the House Committee on Veterans' Affairs to examine the legislative presentations of the Military Order of the Purple Heart, Iraq and Afghanistan Veterans of America (IAVA), Non Commissioned Officers Association, American Ex-Prisoners of War, Vietnam Veterans of America, Wounded Warrior Project, National Association of State Directors of Veterans Affairs, and The Retired Enlisted Association, after receiving testimony from Tom Tarantino, Iraq and Afghanistan Veterans of America, and Dawn Halfaker, Wounded Warrior Project, both of Washington, D.C.; William R. Hutton, Military Order of the Purple Heart, Springfield, Virginia; David Fletcher, National Association of State Directors of Veterans Affairs, H. Gene Overstreet, Non Commissioned Officers Association of the United States, and Arthur Cooper, Retired Enlisted Association, all of Alexandria, Virginia; and John Rowan, Vietnam Veterans of America, Silver Spring, Maryland.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 13 public bills, H.R. 9, 14, 4228–4238; and 1 resolution, H. Res. 593 were introduced. **Pages H1496–97**

Additional Cosponsors: **Pages H1497–98**

Report Filed: A report was filed today as follows:

H.R. 4119, to reduce the trafficking of drugs and to prevent human smuggling across the Southwest Border by deterring the construction and use of border tunnels (H. Rept. 112–418, Pt. 1). **Page H1496**

Speaker: Read a letter from the Speaker wherein he appointed Representative Ellmers to act as Speaker pro tempore for today. **Page H1429**

Recess: The House recessed at 11:21 a.m. and reconvened at 12 noon. **Page H1437**

Chaplain: The prayer was offered by the guest chaplain, Reverend Dr. Carl Hickerson, Springfield Baptist Church, Washington, DC. **Page H1437**

Journal: The House agreed to the Speaker's approval of the Journal by a yea-and-nay vote of 308 yeas to 101 nays with 3 answering ''present'', Roll No. 121. **Pages H1438, H1452–53**

Permitting the use of the rotunda of the Capitol for a ceremony: The House agreed to discharge and agree to H. Con. Res. 108, permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. **Page H1442**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow, March 22nd. **Page H1442**

Suspensions: The House agreed to suspend the rules and pass the following measure:

United States Marshals Service 225th Anniversary Commemorative Coin Act: Concur in the Senate amendment to H.R. 886, to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service, by a ⅔ yea-and-nay vote of 409 yeas to 2 nays with 2 voting "present", Roll No. 120. **Pages H1442–43, H1452**

Recess: The House recessed at 1:48 p.m. and reconvened at 2:15 p.m. **Page H1450**

Help Efficient, Accessible, Low-cost, Timely Healthcare (HEALTH) Act: The House began consideration of H.R. 5, to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system. Consideration is expected to resume tomorrow, March 22nd. **Pages H1443–50, H1450–52, H1453–90**

H. Res. 591, the rule providing for consideration of the bill, was agreed to by a recorded vote of 233 ayes to 182 noes with 1 voting "present", Roll No. 119, after the previous question was ordered by a yea-and-nay vote of 231 yeas to 179 nays with 1 voting "present", Roll No. 118. **Pages H1443–50, H1450–52**

Quorum Calls—Votes: Three yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H1450–51, H1451–52, H1452, H1452–53. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:42 p.m.

Committee Meetings

DUPLICATIVE FEDERAL RURAL DEVELOPMENT PROGRAMS

Committee on Agriculture: Subcommittee on Rural Development, Research, Biotechnology, and Foreign Agriculture held a hearing entitled "To Identify Duplicative Federal Rural Development Programs". Testimony was heard from Dallas P. Tonsager, Under Secretary, Rural Development, Department of Agriculture; and William B. Shear, Director, Financial Markets and Community Investment, Government Accountability Office.

APPROPRIATIONS—NEAR EASTERN AFFAIRS

Committee on Appropriations: Subcommittee on State, Foreign Operations, and Related Projects held a hearing on the FY 2013 Budget for Department of State, Near Eastern Affairs. This was a closed hearing.

APPROPRIATIONS—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Committee on Appropriations: Subcommittee on Commerce, Justice, Science, and Related Agencies held a hearing on FY 2013 Budget Request for National Aeronautics and Space Administration. Testimony was heard from Charles F. Bolden, Jr., Administrator, National Aeronautics and Space Administration.

APPROPRIATIONS—VETERANS EMPLOYMENT AND TRAINING PROGRAMS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies held a hearing on FY 2013 Budget Request for Veterans Employment and Training Programs. Testimony was heard from Lt. Col Ismael Ortiz USMC (Ret.), Deputy Assistant Secretary for Veterans' Employment and Training, Department of Labor; and public witnesses.

APPROPRIATIONS—DEPARTMENT OF AGRICULTURE

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies held a hearing on FY 2013 Budget Request for the Department of Agriculture. Testimony was heard from the following Department of Agriculture officials: Catherine E. Woteki, Under Secretary, Research, Education, and Economics; Edward Knipling, Administrator, Agricultural Research Service; Chavonda Jacobs-Young, Acting Administrator, National Institute of Food and Agriculture; Mary Bohman, Administrator, Economic Research Service; Cynthia Clark, Administrator, National Agricultural Statistics Service; and Michael Young, Budget Officer.

APPROPRIATIONS—INTERNATIONAL SECURITY ASSISTANCE FORCE

Committee on Appropriations: Subcommittee on Defense held a hearing on FY 2013 Budget Request for the U.S. Central Command and the International Security Assistance Force. This was a closed hearing.

APPROPRIATIONS—DEPARTMENT OF ENERGY

Committee on Appropriations: Subcommittee on Energy and Water Development, and Related Agencies held a hearing on FY 2013 Budget Request for the Department of Energy. Testimony was heard from Dave Huizenga, Assistant Secretary (Acting), Office of Environmental Management, Department of Energy; and Glenn Podonsky, Chief Health, Safety, and Security Officer, Office of Health, Safety, and Security, Department of Energy.

APPROPRIATIONS—INTERNAL REVENUE SERVICE

Committee on Appropriations: Subcommittee on Financial Services and General Government held a hearing on FY 2013 Budget Request for Internal Revenue Service. Testimony was heard from Douglas H. Shulman, Commissioner, Internal Revenue Service.

APPROPRIATIONS—FY 2013 BUDGET REQUEST FOR DEPARTMENT OF VETERANS AFFAIRS

Committee on Appropriations: Subcommittee on Military Construction, Veterans Affairs, and Related Agencies held a hearing on FY 2013 Budget Request. Testimony was heard from Eric K. Shinseki, Secretary, Department of Veterans Affairs.

APPROPRIATIONS—HOMELAND SECURITY FACILITIES

Committee on Appropriations: Subcommittee on Homeland Security held a hearing on Department of Homeland Security Facilities. Testimony was heard from Rafael Borras, Under Secretary, Management Directorate, Department of Homeland Security; and Tara O'Toole, Under Secretary, Science and Technology Directorate, Department of Homeland Security.

APPROPRIATIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Committee on Appropriations: Subcommittee on Transportation, Housing and Urban Development, and Related Agencies held a hearing on FY 2013 Budget Request for the Department of Housing and Urban Development. Testimony was heard from Shaun Donovan, Secretary, Department of Housing and Urban Development.

APPROPRIATIONS—FY 2013 BUDGET ISSUES

Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies held a hearing on FY 2013 Budget Issues. Testimony was heard from public witnesses.

APPROPRIATIONS—SMALL BUSINESS ADMINISTRATION

Committee on Appropriations: Subcommittee on Financial Services and General Government held a hearing on FY 2013 Budget Request for Small Business Administration. Testimony was heard from Karen G. Mills, Administrator, Small Business Administration.

DEFENSE HEALTH PROGRAM

Committee on Armed Services: Subcommittee on Military Personnel held a hearing on the Defense Health Program budget overview. Testimony was heard from Jonathan Woodson, Assistant Secretary of Defense for Health Affairs; Lieutenant General Patricia D. Horoho, USA, Surgeon General, U. S. Army; Vice Admiral Matthew L. Nathan, USN, Surgeon General, U. S. Navy; Lieutenant General Charles Bruce Green, USAF, Surgeon General, U. S. Air Force; and public witness.

MISCELLEANOUS MEASURE

Committee on the Budget: Full Committee began a markup of the Concurrent Resolution on the Budget for Fiscal Year 2013.

FISCAL YEAR 2013 BUDGET PROPOSAL FOR DEPARTMENT OF LABOR

Committee on Education and the Workforce: Full Committee held a hearing entitled "Reviewing the President's Fiscal Year 2013 Budget Proposals for the U.S. Department of Labor". Testimony was heard from Hilda L. Solis, Secretary, Department of Labor.

LEGISLATIVE MEASURE

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled "The Center for Consumer Information and Insurance Oversight and the Anniversary of the Patient Protection and Affordable Care Act". Testimony was heard from Senator Johnson (WI); Representative Edwards; and Steve Larsen, Director, Center for Consumer Information and Insurance Oversight, Center for Medicare and Medicaid, Department of Health and Human Services.

LEGISLATIVE MEASURE

Committee on Financial Services: Subcommittee on Capital Markets and Government Sponsored Enterprise held a hearing on the Swap Data and Clearing House Indemnification Correction Act of 2012. Testimony was heard from, Ethiopis Tafara, Director, Office of International Affairs, U.S. Securities and Exchange Commission; Daniel Berkovitz, General Counsel, U.S. Commodity Futures Trading Commission; and public witness.

MOTION AUTHORIZING ISSUANCE OF A SUBPOENA

Committee on Financial Services: Subcommittee on Oversight and Investigation held a business meeting to consider a motion authorizing the issuance of a subpoena ad testificandum for the appearance of Edith O'Brien. The motion passed without amendment.

RUSSIA 2012

Committee on Foreign Affairs: Full Committee held a hearing entitled ''Russia 2012: Increased Repression, Rampant Corruption, Assisting Rogue Regimes''. Testimony was heard from public witnesses.

U.S. POLICY TOWARD DETERIORATING SITUATION IN IRAQ

Committee on Foreign Affairs: Subcommittee on the Middle East and South Asia held a hearing entitled ''Halting the Descent: U.S. Policy toward the Deteriorating Situation in Iraq''. Testimony was heard from public witnesses.

IRAN, HEZBOLLAH, AND THE THREAT TO THE HOMELAND

Committee on Homeland Security: Full Committee held a hearing entitled ''Iran, Hezbollah, and the Threat to the Homeland''. Testimony was heard from public witnesses.

REAL ID ACT'S MINIMUM STANDARD FOR DRIVER'S LICENSES AND IDENTIFICATION CARDS

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held a hearing entitled ''Secure Identification: The REAL ID Act's Minimum Standards for Driver's Licenses and Identification Cards''. Testimony was heard from David Heyman, Assistant Secretary, Office of Policy, Department of Homeland Security; and public witnesses.

FEDERAL REGULATIONS AND REGULATORY REFORM UNDER THE OBAMA ADMINISTRATION

Committee on the Judiciary: Subcommittee on Courts, Commercial and Administrative Law held a hearing entitled ''The Office of Information and Regulatory Affairs: Federal Regulations and Regulatory Reform under the Obama Administration''. Testimony was heard from Causs Sunstein, Administrator, Office of Information and Regulatory Affairs; and public witnesses.

HARNESSING AMERICAN RESOURCES TO CREATE JOBS AND ADDRESS RISING GASOLINE PRICES

Committee on Natural Resources: Full Committee held a hearing entitled ''Harnessing American Resources to Create Jobs and Address Rising Gasoline Prices: Families and Cost-of-Life Impacts''. Testimony was heard from public witnesses.

EUROPE'S SOVEREIGN DEBT CRISIS

Committee on Oversight and Government Reform: Full Committee held a hearing entitled ''Europe's Sovereign Debt Crisis: Causes, Consequences for the United States and Lessons Learned''. Testimony was heard from Timothy F. Geithner, Secretary, Department of the Treasury; and Ben S. Bernanke, Chairman, Board of Governors of the Federal Reserve System.

FOIA IN THE 21ST CENTURY

Committee on Oversight and Government Reform: Subcommittee on Technology, Information Policy, Intergovernmental Relations and Procurement Reform held a hearing entitled ''FOIA in the 21st Century: Using Technology to Improve Transparency in Government''. Testimony was heard from Miriam Nisbet, Director, Office of Government Information Services, National Archives and Records Administration; Andrew Battin, Director, Office of Information Collection, Environmental Protection Agency; Melanie Ann Pustay, Director, Office of Information Policy, Department of Justice; and public witness.

JOB CREATION ROADMAP

Committee on Small Business: Full Committee held a hearing entitled ''A Job Creation Roadmap: How America's Entrepreneurs Can Lead Our Economic Recovery''. Testimony was heard from public witnesses.

INNOVATIVE FINANCING APPROACHES FOR COMMUNITY WATER INFRASTRUCTURE PROJECTS

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing entitled ''Review of Innovative Financing Approaches for Community Water Infrastructure Projects—Part II''. Testimony was heard from Ron Behm, Mayor, Napoleon, Ohio; Karen Massey, Director, Missouri Environmental Improvement and Energy Resources Authority; David Weihrauch, Water Treatment Plant Manager, City of Oxford, Ohio; and public witnesses.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR THURSDAY, MARCH 22, 2012

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Commerce, Justice, Science, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2013 for the Department of Commerce, 10 a.m., SD–192.

Subcommittee on Legislative Branch, to hold hearings to examine proposed budget estimates for fiscal year 2013 for the Secretary of the Senate, the Sergeant at Arms and the U.S. Capitol Police, 2:30 p.m., SD–124.

Committee on Armed Services: to hold hearings to examine the situation in Afghanistan; with the possibility of a closed session in SVC–217 following the open session, 9:30 a.m., SD–G50.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine international harmonization of Wall Street reform, focusing on orderly liquidation, derivatives, and the Volcker Rule, 9:45 a.m., SD–538.

Committee on Energy and Natural Resources: Subcommittee on Public Lands and Forests, to hold hearings to examine S. 303, to amend the Omnibus Budget Reconciliation Act of 1993 to require the Bureau of Land Management to provide a claimant of a small miner waiver from claim maintenance fees with a period of 60 days after written receipt of 1 or more defects is provided to the claimant by registered mail to cure the 1 or more defects or pay the claim maintenance fee, S. 1129, to amend the Federal Land Policy and Management Act of 1976 to improve the management of grazing leases and permits, S. 1473, to amend Public Law 99–548 to provide for the implementation of the multispecies habitat conservation plan for the Virgin River, Nevada, and to extend the authority to purchase certain parcels of public land, S. 1492, to provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids Mine Project Site, S. 1559, to establish the San Juan Islands National Conservation Area in the San Juan Islands, Washington, S. 1635, to designate certain lands in San Miguel, Ouray, and San Juan Counties, Colorado, as wilderness, S. 1687, to adjust the boundary of Carson National Forest, New Mexico, S. 1774, to establish the Rocky Mountain Front Conservation Management Area, to designate certain Federal land as wilderness, and to improve the management of noxious weeds in the Lewis and Clark National Forest, S. 1788, to designate the Pine Forest Range Wilderness area in Humboldt County, Nevada, S. 1906, to modify the Forest Service Recreation Residence Program as the program applies to units of the National Forest System derived from the public domain by implementing a simple, equitable, and predictable procedure for determining cabin user fees, S. 2001, to expand the Wild Rogue Wilderness Area in the State of Oregon, to make additional wild and scenic river designations in the Rogue River area, to provide additional protections for Rogue River tributaries, S. 2015, to require the Secretary of the Interior to convey certain Federal land to the Powell Recreation District in the State of Wyoming, and S. 2056, to authorize the Secretary of the Interior to convey certain interests in Federal land acquired for the Scofield Project in Carbon County, Utah, 2:30 p.m., SD–366.

Committee on Environment and Public Works: to hold hearings to examine the President's proposed budget request for fiscal year 2013 for the Environmental Protection Agency, 10 a.m., SD–406.

Committee on Finance: Subcommittee on Health Care, to hold hearings to examine prescription drug abuse, focusing on how Medicare and Medicaid are adapting to the challenge, 10 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine the nominations of Scott H. DeLisi, of Minnesota, to be Ambassador to the Republic of Uganda, Michael A. Raynor, of Maryland, to be Ambassador to the Republic of Benin, and Makila James, of the District of Columbia, to be Ambassador to the Kingdom of Swaziland, all of the Department of State, 2:15 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine stay-at-work and back-to-work strategies, focusing on lessons from the private sector, 10:15 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, to hold a joint hearing with the House Committee on Oversight and Government Reform Subcommittee on Government Organization, Efficiency, and Financial Management to examine problems in Army military pay, 10 a.m., 2154, Rayburn Building.

Committee on Indian Affairs: to hold hearings to examine S. 1898, to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska, and H.R. 1560, to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe, 2:15 p.m., SD–628.

Committee on the Judiciary: business meeting to consider S. 2159, to extend the authorization of the Drug-Free Communities Support Program through fiscal year 2017, and the nominations of Richard Gary Taranto, of Maryland, to be United States Circuit Judge for the Federal Circuit, Robin S. Rosenbaum, to be United States District Judge for the Southern District of Florida, Gershwin A. Drain, to be United States District Judge for the Eastern District of Michigan, and Gregory K. Davis, to be United States Attorney for the Southern District of Mississippi, Department of Justice, 10 a.m., SD–226.

Committee on Small Business and Entrepreneurship: to hold hearings to examine small business investment companies and their role in the entrepreneurship ecosystem, 10 a.m., SR–428A.

Committee on Veterans' Affairs: to hold joint hearings to examine the legislative presentations of the Paralyzed Veterans of America, Air Force Sergeants Association, Blinded Veterans Association, American Veterans (AMVETS), Gold Star Wives, Fleet Reserve Association, Military Officers Association of America, and the Jewish War Veterans, 10 a.m., 345, Cannon Building.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies, hearing on FY 2013 budget issues, 9 a.m., H–309 Capitol.

Subcommittee on Interior, Environment, and Related Agencies, hearing on FY 2013 budget issues, 9:30 a.m., B–308 Rayburn.

Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, hearing on FY 2013 Budget Request for the Department of Education, 10 a.m., 2358–C Rayburn.

Subcommittee on Transportation, Housing Urban Development, and Related Agencies, hearing on FY 2013 Budget Request for the Department of Transportation Major Modes, 10 a.m., 2358–A Rayburn.

Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, hearing on FY 2013 Budget Request for the Commodity Futures Trading Commission, 10:30 a.m., 2362–A Rayburn.

Committee on Armed Services, Subcommittee on Readiness, hearing on the Navy's readiness posture, 10 a.m., 2212 Rayburn.

Subcommittee on Military Personnel, hearing on hazing in the military, 1 p.m., 2212 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, Manufacturing, and Trade, hearing entitled ''Motor Vehicle Safety Provisions in House and Senate Highway Bills'', 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Financial Institutions and Consumer Credit, hearing entitled ''The Future of Money: How Mobile Payments Could Change Financial Services'', 10 a.m., 2128 Rayburn.

Committee on Homeland Security, Subcommittee on Oversight, Investigations, and Management, hearing entitled ''Building One DHS: Why is Employee Morale Low?'', 9 a.m., 311 Cannon.

Committee on Natural Resources, Subcommittee on Energy and Mineral Resources, hearing entitled ''Effect of the President's FY 2013 Budget for the U.S. Geological Survey on Private Sector Job Creation, Hazard Protection, Mineral Resources and Deficit Reduction'', 9:30 a.m., 1334 Longworth.

Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs, hearing entitled ''Empty Hooks: The National Ocean Policy is the Latest Threat to Access for Recreational and Commercial Fisherman'', 9:30 a.m. 1324 Longworth.

Committee on Small Business, Full Committee, markup of the following: H.R. 3985, the ''Building Better Business Partnerships Act of 2012''; H.R. 3987, the ''Small Business Protection Act of 2012''; H.R. 4081, the ''Contractor Opportunity Protection Act of 2012''; H.R. 4206, the ''Contracting Oversight for Small Business Jobs Act of 2012''; and H.R. 4203, the ''Women's Procurement Program Improvement Act of 2012'', 10 a.m., 2360 Rayburn.

Committee on Ways and Means, Subcommittee on Oversight, hearing entitled ''Internal Revenue Service Operations and the 2012 Tax Return Filing Season'', 9:30 a.m., 1100 Longworth.

House Permanent Select Committee on Intelligence, Full Committee, hearing on ongoing intelligence activities, 9 a.m., HVC–304. This is a closed hearing.

Next Meeting of the **SENATE**

9:30 a.m., Thursday, March 22

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond one hour), Senate will continue consideration of H.R. 3606, Reopening American Capital Markets to Emerging Growth Companies Act, with votes on or in relation to Reid (for Reed) Amendment No. 1931 (to Amendment No. 1884), Reid (for Merkley) Amendment No. 1884, and passage of the bill at 12:30 p.m.

Following disposition of H.R. 3606, Senate will resume consideration of the House Message to accompany S. 2038, Stop Trading on Congressional Knowledge Act, and vote on the motion to invoke cloture on the motion to concur in the House Message to accompany the bill.

Following disposition of the House Message to accompany S. 2038, Senate will resume consideration of the nominations of David Nuffer, of Utah, to be United States District Judge for the District of Utah, Ronnie Abrams, of New York, to be United States District Judge for the Southern District of New York, and Rudolph Contreras, of Virginia, to be United States District Judge for the District of Columbia, and vote on confirmation of the nominations.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Thursday, March 22

House Chamber

Program for Thursday: Complete consideration of H.R. 5—Help Efficient, Accessible, Low-cost, Timely Healthcare (HEALTH) Act.

Extensions of Remarks, as inserted in this issue

HOUSE

Adams, Sandy, Fla., E405
Clay, Wm. Lacey, Mo., E401, E411
Clyburn, James E., S.C., E410
Coffman, Mike, Colo., E409
Critz, Mark S., Pa., E406
Fattah, Chaka, Pa., E405
Frank, Barney, Mass., E402
Gonzalez, Charles A., Tex., E406
Graves, Sam, Mo., E399, E400, E401
Hastings, Alcee L., Fla., E410
Holden, Tim, Pa., E399
Hoyer, Steny H., Md., E399
Johnson, Timothy V., Ill., E406, E408, E410
Kinzinger, Adam, Ill., E401
Lee, Barbara, Calif., E409
McCollum, Betty, Minn., E403
McIntyre, Mike, N.C., E400, E406
Michaud, Michael H., Me., E400
Miller, George, Calif., E401, E411
Moran, James P., Va., E402
Olson, Pete, Tex., E400, E403, E409, E411
Poe, Ted, Tex., E403
Reichert, David G., Wash., E407
Richardson, Laura, Calif., E404
Sablan, Gregorio Kilili Camacho, Northern Mariana Islands, E409
Schakowsky, Janice D., Ill., E407
Schilling, Robert T., Ill., E410
Scott, David, Ga., E405
Sessions, Pete, Tex., E399, E401, E404, E409, E411
Terry, Lee, Nebr., E407
Webster, Daniel, Fla., E402, E405
Wolf, Frank R., Va., E408

Congressional Record The *Congressional Record* (USPS 087–390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the *Congressional Record* is available online through the U.S. Government Printing Office at *www.fdsys.gov*, free of charge to the user. The information is updated online each day the *Congressional Record* is published. For more information, contact the GPO Customer Contact Center, U.S. Government Printing Office. Phone 202–512–1800, or 866–512–1800 (toll-free). E-Mail, *contactcenter@gpo.gov*. ¶The *Congressional Record* paper and 24x microfiche edition will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $252.00 for six months, $503.00 per year, or purchased as follows: less than 200 pages, $10.50; between 200 and 400 pages, $21.00; greater than 400 pages, $31.50, payable in advance; microfiche edition, $146.00 per year, or purchased for $3.00 per issue payable in advance. The semimonthly *Congressional Record Index* may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197–9000, or phone orders to 866–512–1800 (toll-free), 202–512–1800 (D.C. area), or fax to 202–512–2104. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily *Congressional Record* is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the *Congressional Record*.

POSTMASTER: Send address changes to the Superintendent of Documents, *Congressional Record,* U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.