United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158 WASHINGTON, THURSDAY, MARCH 22, 2012 No. 48

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Eternal God, through Whom we see what we could be and what we can become, thank You for giving us another day.

Send Your Spirit upon the Members of this people's House to encourage them in their official tasks. Be with them and with all who labor here to serve this great Nation and its people.

Assure them that whatever their responsibilities, You provide the grace to enable them to be faithful to their duties and the wisdom to be conscious of their obligations and fulfill them with integrity.

Remind us all of the dignity of work and teach us to use our talents and abilities in ways that are honorable and just and are of benefit to those we serve. May all that is done this day be for Your greater honor and glory.

Amen.

THE JOURNAL

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

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

Mr. POE of Texas. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

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

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

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

The SPEAKER. 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The point of no quorum is considered withdrawn.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. Will the gentleman from Illinois (Mr. DOLD) come forward and lead the House in the Pledge of Allegiance.

Mr. DOLD 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

The SPEAKER. The Chair will entertain up to five 1-minute requests on each side.

IPAB MUST BE REPEALED

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

Mr. WILSON of South Carolina. Mr. Speaker, every American should be given the freedom to make his or her own decisions regarding health care. When the government takeover health care bill was passed, the liberal control of Congress took away this right and instead created the Independent Payment Advisory Board, IPAB. This board is comprised of 15 unelected and unaccountable bureaucrats who will be responsible for making major cuts to Medicare which are likely to lead to waiting lists, deferral of service, and denial of care.

Today, House Republicans will vote on a bill that will eliminate IPAB and help strengthen our Medicare system for a doctor-patient relationship.

Our country cannot afford to spend $1.8 trillion on an unconstitutional government mandate which the NFIB reveals will destroy 1.6 million jobs.

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

REPEAL OF IPAB WRONGLY TIED TO MEDICAL MALPRACTICE

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

Mr. HOLDEN. Madam Speaker, I rise today in support of repealing IPAB. However, I speak in opposition to tying this repeal to H.R. 5. This is another act of political theater and disingenuous at best.

IPAB relinquishes congressional responsibility to care for our seniors. Passing these decisions off, whether it is to insurance companies or an unelected commission, undermines Congress' ability to represent the needs of our seniors and make decisions on health care policy for Medicare beneficiaries.

We must preserve access to quality Medicare while containing costs and replacing the flawed payment system. Simply cutting reimbursements is not the answer. If we truly want to rein in the cost of Medicare and repeal IPAB, we should do it as a stand-alone bill.

The Senate has no intention of bringing H.R. 5 up for a vote. Why then are we wasting our time on legislation that has no chance of becoming law?

Americans want their elected leaders working together to find solutions to the problems facing our country, not to be active participants in political theater.

I urge my colleagues to have an open and honest debate on Medicare reform by bringing an independent IPAB repeal bill to the floor.

Printed on recycled paper.

HEALTH ACT OF 2011

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

Mr. FLAKE. Madam Speaker, I rise today in support of the legislation we'll vote on shortly to repeal the Independent Payment Advisory Board created under the Patient Protection and Affordable Care Act. This is something that simply should not have been done. These are unelected board members, 15 of them, appointed by the President, tasked for finding savings and making recommendations.

Unfortunately, because of the limitations of what the board can cut, the majority of spending reductions will come from cutting reimbursements for doctors and those who care for Medicare patients. The ultimate result will be fewer options for patients when doctors are driven out of the Medicare system.

We were told when the Affordable Care Act was passed that it would lead to a reduction in premiums. It's done exactly the opposite.

This kind of board and these kinds of decisions made by unelected officials will simply drive the cost up further, and we cannot afford to do that.

My only regret in today's action is that we're not repealing the entire act. I hope that comes soon.

WOMEN'S HEALTH

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

Mr. BACA. Madam Speaker, today I rise to speak of the need to protect the health care of American women.

Last week, I hosted a women's conference focused on the benefit of the Affordable Care Act for women. The historic health care reform is a step in the right direction for the health of mothers, sisters, daughters, and granddaughters.

Thanks to affordable health care, women can no longer be dropped from insurance coverage when they get sick or become pregnant. Twenty million women have already used free preventive services offered through health care reform, including mammograms and colonoscopies.

Beginning in 2014, women will no longer be denied coverage for having a preexisting condition. The health care law finally ends gender rating, in which women are forced to pay higher premiums than men for the same coverage.

American women are the foundation of our families. We must protect the benefit of health care reform and ensure that all women have better access to health care.

□ 1010

THE NATIONAL DEBT

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

Mr. DOLD. Madam Speaker, our national debt now exceeds $15.5 trillion. I think it's fair to say that Washington has a spending problem. Republicans and Democrats alike have overspent over the years.

In the past 4 years, Washington has spent over $5 trillion of taxpayer money that we don't have. The degree of how much this actually means to the American public, I think, is incomprehensible. Most people that I talk to just say that's a heck of a lot of money. I talk about the deficit of $1.5 trillion that we spent this last year and they say I just think it's a lot of money. It works out to be about $3.4 million a minute in deficit spending.

But if we take eight zeros off these numbers, to put it in perspective for the American family, I think it gives them a good idea about what their budget would look like. The annual family income would be about $22,280. The money the family would spend in a given year would be $37,080. New debt on the credit card would be $14,800. The outstanding balance, which I think is important, is $155,000, and the total discretionary budget cuts that were put in for 2011 for this family, $398.

Madam Speaker, that's what we're facing. We must pass a budget that takes the step necessary to rein in the out-of-control spending that our country has today and put ourselves on a path to economic prosperity. We have no other choice.

THE ADVANCES FOR WOMEN IN HEALTH CARE REFORM

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

Ms. TSONGAS. Madam Speaker, tomorrow marks the second anniversary of the landmark health care reform bill being signed into law by President Obama.

Many of the important reforms under the new law benefit women, who for years have faced discriminatory practices by insurance companies and borne higher health care costs simply as a result of their gender.

Because of the new law, women can no longer be denied coverage or charged more for such preexisting conditions as breast or cervical cancer, pregnancy, or, of all things, being a victim of domestic abuse.

Women no longer have to share the cost of critical and potentially lifesaving preventive services such as mammograms and colonoscopies.

These reforms for women not only make care more equitable, but they also help to reduce the cost of care by insuring that many diseases are detected early or prevented before their onset through vaccinations and regular screenings.

While additional reforms will be implemented in stages, many advances, as a result of health care reform, are already making a difference in the lives of women across this country.

JOEL SHRUM

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

Mr. PITTS. Madam Speaker, on Sunday in the Yemeni city of Tah-izz, al Qaeda terrorists viciously gunned down American Joel Shrum.

Joel grew up in Lancaster County, Pennsylvania, in Mount Joy and was a football star at Donegal High School.

He leaves behind a wife and two young sons who lived with him in Yemen.

Joel worked as a teacher at the International Training Development Center, which focused on giving vocational training to the poor.

Joel was a Christian, but he was not in the country to proselytize. According to his father, Joel was there to teach and break down barriers. The organization he worked for is staffed by both Christians and Muslims and has worked in the country for over 40 years.

The people of Yemen are appalled at this violence. Hundreds of activists took to the streets yesterday to demand justice for the killers. They carried photos of Joel and chanted: ''Yemen is not a place for terrorism'' and ''We love you, Joel.''

Joel Shrum selflessly served the poor in a country far from home. He will be dearly missed by his family and by the people he came to serve.

CHARLES DARWIN WOULD BLUSH

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

Mr. CONNOLLY of Virginia. Madam Speaker, yesterday by one vote the Republican Budget Committee passed a fend-for-yourself budget that gives Darwinism a bad name. It breaks a bipartisan compromise not even a year old. It voucherizes Medicare, in effect jeopardizing health care for tens of millions of American seniors. It essentially guts Medicaid and jeopardizes nursing home care for millions more. It block-grants the safety net programs led by food stamps, threatening to reverse decades-old progress in lowering poverty and malnutrition rates in America.

This is a budget that needs to be rejected, Madam Speaker. It is a budget that would make Charles Darwin blush.

IT'S UNCONSTITUTIONAL

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

Mr. POE of Texas. Madam Speaker, the nationalized health care bill will soon go before the Supreme Court.

The issue: Does the Federal Government have the constitutional authority to force Americans to buy government ordained and approved health insurance, or else? Or else face the wrath and punishment of government.

The government does not have the authority to force citizens to buy any product, whether it is health insurance, a car, or a box of doughnuts.

If the Supreme Court allows this government invasion of choice, what is next?

Is the government, under the guise of it knows best, going to force citizens to buy only government approved green cars, only government houses, only government food?

The health care individual mandate is a denial of liberty.

Yes, we need to fix health care, but does anyone really want to turn over the Nation's health care to the government? The government seldom does anything better.

If you like the compassion of the IRS, the efficiency of the post office, and the competency of FEMA, you will love the unconstitutional, nationalized health care bill.

And that's just the way it is.

TRAYVON MARTIN

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

Mr. AL GREEN of Texas. Madam Speaker, I rise this morning to thank the many persons across the length and breadth of this country who have spoken up with reference to the injustice that has occurred in Florida with reference to the young man, Trayvon Martin.

I want to single out two people, however. The first, Joe Scarborough of MSNBC Morning Joe. When he spoke this morning, I literally had tears to well in my eyes as he took a strong position on this injustice. I beg that others would do likewise.

I would also like to thank the Reverend Al Sharpton. He has lost his mother; and I along with other people of goodwill would like to extend our condolences and our sympathies. But I am so grateful to Reverend Sharpton. He has indicated that he will be at the rally tonight in Sanford, Florida. And I thank him for what he has done and is doing.

May God continue to bless you, Reverend, and I look forward to being there with you.

Mr. CONYERS. Will the gentleman yield?

Mr. AL GREEN of Texas. I yield to the gentleman from Michigan.

Mr. CONYERS. I would like to proudly associate myself with your remarks.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. POE of Texas). Members are advised to address their remarks to the Chair.

PROTECTING ACCESS TO HEALTHCARE ACT

Mr. GINGREY of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 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 further consideration of the bill, H.R. 5.

□ 1019

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 further 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 Mrs. MILLER of Michigan (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Wednesday, March 21, 2012, all time for general debate had expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendments recommended by the Committees on Energy and Commerce and the Judiciary printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112–18 is adopted and the bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered as read.

The text of the bill, as amended, is as follows:

H.R. 5

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 ''Protecting Access to Healthcare Act''.

TITLE I—HEALTH ACT

SEC. 101. SHORT TITLE.

This title may be cited as the ''Help Efficient, Accessible, Low-cost, Timely Healthcare (HEALTH) Act of 2012''.

SEC. 102. FINDINGS AND PURPOSE.

(a) FINDINGS.—

(1) EFFECT ON HEALTH CARE ACCESS AND COSTS.—Congress finds that our current civil justice system is adversely affecting patient access to health care services, better patient care, and cost-efficient health care, in that the health care liability system is a costly and ineffective mechanism for resolving claims of health care liability and compensating injured patients, and is a deterrent to the sharing of information among health care professionals which impedes efforts to improve patient safety and quality of care.

(2) EFFECT ON INTERSTATE COMMERCE.—Congress finds that the health care and insurance industries are industries affecting interstate commerce and the health care liability litigation systems existing throughout the United States are activities that affect interstate commerce by contributing to the high costs of health care and premiums for health care liability insurance purchased by health care system providers.

(3) EFFECT ON FEDERAL SPENDING.—Congress finds that the health care liability litigation systems existing throughout the United States have a significant effect on the amount, distribution, and use of Federal funds because of—

(A) the large number of individuals who receive health care benefits under programs operated or financed by the Federal Government;

(B) the large number of individuals who benefit because of the exclusion from Federal taxes of the amounts spent to provide them with health insurance benefits; and

(C) the large number of health care providers who provide items or services for which the Federal Government makes payments.

(b) PURPOSE.—It is the purpose of this title to implement reasonable, comprehensive, and effective health care liability reforms designed to—

(1) improve the availability of health care services in cases in which health care liability actions have been shown to be a factor in the decreased availability of services;

(2) reduce the incidence of ''defensive medicine'' and lower the cost of health care liability insurance, all of which contribute to the escalation of health care costs;

(3) ensure that persons with meritorious health care injury claims receive fair and adequate compensation, including reasonable noneconomic damages;

(4) improve the fairness and cost-effectiveness of our current health care liability system to resolve disputes over, and provide compensation for, health care liability by reducing uncertainty in the amount of compensation provided to injured individuals; and

(5) provide an increased sharing of information in the health care system which will reduce unintended injury and improve patient care.

SEC. 103. ENCOURAGING SPEEDY RESOLUTION OF CLAIMS.

The time for the commencement of a health care lawsuit shall be 3 years after the date of manifestation of injury or 1 year after the claimant discovers, or through the use of reasonable diligence should have discovered, the injury, whichever occurs first. In no event shall the time for commencement of a health care lawsuit exceed 3 years after the date of manifestation of injury unless tolled for any of the following—

(1) upon proof of fraud;

(2) intentional concealment; or

(3) the presence of a foreign body, which has no therapeutic or diagnostic purpose or effect, in the person of the injured person.

Actions by a minor shall be commenced within 3 years from the date of the alleged manifestation of injury except that actions by a minor under the full age of 6 years shall be commenced within 3 years of manifestation of injury or prior to the minor's 8th birthday, whichever provides a longer period. Such time limitation shall be tolled for minors for any period during which a parent or guardian and a health care provider or health care organization have committed fraud or collusion in the failure to bring an action on behalf of the injured minor.

SEC. 104. COMPENSATING PATIENT INJURY.

(a) UNLIMITED AMOUNT OF DAMAGES FOR ACTUAL ECONOMIC LOSSES IN HEALTH CARE LAWSUITS.—In any health care lawsuit, nothing in this title shall limit a claimant's recovery of the full amount of the available economic damages, notwithstanding the limitation in subsection (b).

(b) ADDITIONAL NONECONOMIC DAMAGES.—In any health care lawsuit, the amount of noneconomic damages, if available, may be as much

as $250,000, regardless of the number of parties against whom the action is brought or the number of separate claims or actions brought with respect to the same injury.

(c) NO DISCOUNT OF AWARD FOR NONECONOMIC DAMAGES.—For purposes of applying the limitation in subsection (b), future noneconomic damages shall not be discounted to present value. The jury shall not be informed about the maximum award for noneconomic damages. An award for noneconomic damages in excess of $250,000 shall be reduced either before the entry of judgment, or by amendment of the judgment after entry of judgment, and such reduction shall be made before accounting for any other reduction in damages required by law. If separate awards are rendered for past and future noneconomic damages and the combined awards exceed $250,000, the future noneconomic damages shall be reduced first.

(d) FAIR SHARE RULE.—In any health care lawsuit, each party shall be liable for that party's several share of any damages only and not for the share of any other person. Each party shall be liable only for the amount of damages allocated to such party in direct proportion to such party's percentage of responsibility. Whenever a judgment of liability is rendered as to any party, a separate judgment shall be rendered against each such party for the amount allocated to such party. For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant's harm.

SEC. 105. MAXIMIZING PATIENT RECOVERY.

(a) COURT SUPERVISION OF SHARE OF DAMAGES ACTUALLY PAID TO CLAIMANTS.—In any health care lawsuit, the court shall supervise the arrangements for payment of damages to protect against conflicts of interest that may have the effect of reducing the amount of damages awarded that are actually paid to claimants. In particular, in any health care lawsuit in which the attorney for a party claims a financial stake in the outcome by virtue of a contingent fee, the court shall have the power to restrict the payment of a claimant's damage recovery to such attorney, and to redirect such damages to the claimant based upon the interests of justice and principles of equity. In no event shall the total of all contingent fees for representing all claimants in a health care lawsuit exceed the following limits:

(1) Forty percent of the first $50,000 recovered by the claimant(s).

(2) Thirty-three and one-third percent of the next $50,000 recovered by the claimant(s).

(3) Twenty-five percent of the next $500,000 recovered by the claimant(s).

(4) Fifteen percent of any amount by which the recovery by the claimant(s) is in excess of $600,000.

(b) APPLICABILITY.—The limitations in this section shall apply whether the recovery is by judgment, settlement, mediation, arbitration, or any other form of alternative dispute resolution. In a health care lawsuit involving a minor or incompetent person, a court retains the authority to authorize or approve a fee that is less than the maximum permitted under this section. The requirement for court supervision in the first two sentences of subsection (a) applies only in civil actions.

SEC. 106. PUNITIVE DAMAGES.

(a) IN GENERAL.—Punitive damages may, if otherwise permitted by applicable State or Federal law, be awarded against any person in a health care lawsuit only if it is proven by clear and convincing evidence that such person acted with malicious intent to injure the claimant, or that such person deliberately failed to avoid unnecessary injury that such person knew the claimant was substantially certain to suffer. In any health care lawsuit where no judgment for compensatory damages is rendered against such person, no punitive damages may be awarded with respect to the claim in such lawsuit. No demand for punitive damages shall be included in a health care lawsuit as initially filed. A court may allow a claimant to file an amended pleading for punitive damages only upon a motion by the claimant and after a finding by the court, upon review of supporting and opposing affidavits or after a hearing, after weighing the evidence, that the claimant has established by a substantial probability that the claimant will prevail on the claim for punitive damages. At the request of any party in a health care lawsuit, the trier of fact shall consider in a separate proceeding—

(1) whether punitive damages are to be awarded and the amount of such award; and

(2) the amount of punitive damages following a determination of punitive liability.

If a separate proceeding is requested, evidence relevant only to the claim for punitive damages, as determined by applicable State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded.

(b) DETERMINING AMOUNT OF PUNITIVE DAMAGES.—

(1) FACTORS CONSIDERED.—In determining the amount of punitive damages, if awarded, in a health care lawsuit, the trier of fact shall consider only the following—

(A) the severity of the harm caused by the conduct of such party;

(B) the duration of the conduct or any concealment of it by such party;

(C) the profitability of the conduct to such party;

(D) the number of products sold or medical procedures rendered for compensation, as the case may be, by such party, of the kind causing the harm complained of by the claimant;

(E) any criminal penalties imposed on such party, as a result of the conduct complained of by the claimant; and

(F) the amount of any civil fines assessed against such party as a result of the conduct complained of by the claimant.

(2) MAXIMUM AWARD.—The amount of punitive damages, if awarded, in a health care lawsuit may be as much as $250,000 or as much as two times the amount of economic damages awarded, whichever is greater. The jury shall not be informed of this limitation.

(c) NO PUNITIVE DAMAGES FOR PRODUCTS THAT COMPLY WITH FDA STANDARDS.—

(1) IN GENERAL.—

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

(i)(I) such medical product was subject to premarket approval, clearance, or licensure by the Food and Drug Administration with respect to the safety of the formulation or performance of the aspect of such medical product which caused the claimant's harm or the adequacy of the packaging or labeling of such medical product; and

(II) such medical product was so approved, cleared, or licensed; or

(ii) such medical product is generally recognized among qualified experts as safe and effective pursuant to conditions established by the Food and Drug Administration and applicable Food and Drug Administration regulations, including without limitation those related to packaging and labeling, unless the Food and Drug Administration has determined that such medical product was not manufactured or distributed in substantial compliance with applicable Food and Drug Administration statutes and regulations.

(B) RULE OF CONSTRUCTION.—Subparagraph (A) may not be construed as establishing the obligation of the Food and Drug Administration to demonstrate affirmatively that a manufacturer, distributor, or supplier referred to in such subparagraph meets any of the conditions described in such subparagraph.

(2) LIABILITY OF HEALTH CARE PROVIDERS.—A health care provider who prescribes, or who dispenses pursuant to a prescription, a medical product approved, licensed, or cleared by the Food and Drug Administration shall not be named as a party to a product liability lawsuit involving such product and shall not be liable to a claimant in a class action lawsuit against the manufacturer, distributor, or seller of such product. Nothing in this paragraph prevents a court from consolidating cases involving health care providers and cases involving products liability claims against the manufacturer, distributor, or product seller of such medical product.

(3) PACKAGING.—In a health care lawsuit for harm which is alleged to relate to the adequacy of the packaging or labeling of a drug which is required to have tamper-resistant packaging under regulations of the Secretary of Health and Human Services (including labeling regulations related to such packaging), the manufacturer or product seller of the drug shall not be held liable for punitive damages unless such packaging or labeling is found by the trier of fact by clear and convincing evidence to be substantially out of compliance with such regulations.

(4) EXCEPTION.—Paragraph (1) shall not apply in any health care lawsuit in which—

(A) a person, before or after premarket approval, clearance, or licensure of such medical product, knowingly misrepresented to or withheld from the Food and Drug Administration information that is required to be submitted under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or section 351 of the Public Health Service Act (42 U.S.C. 262) that is material and is causally related to the harm which the claimant allegedly suffered

(B) a person made an illegal payment to an official of the Food and Drug Administration for the purpose of either securing or maintaining approval, clearance, or licensure of such medical product; or

(C) the defendant caused the medical product which caused the claimant's harm to be misbranded or adulterated (as such terms are used in chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C 351 et seq.)).

SEC. 107. AUTHORIZATION OF PAYMENT OF FUTURE DAMAGES TO CLAIMANTS IN HEALTH CARE LAWSUITS.

(a) IN GENERAL.—In any health care lawsuit, if an award of future damages, without reduction to present value, equaling or exceeding $50,000 is made against a party with sufficient insurance or other assets to fund a periodic payment of such a judgment, the court shall, at the request of any party, enter a judgment ordering that the future damages be paid by periodic payments, in accordance with the Uniform Periodic Payment of Judgments Act promulgated by the National Conference of Commissioners on Uniform State Laws.

(b) APPLICABILITY.—This section applies to all actions which have not been first set for trial or retrial before the effective date of this title.

SEC. 108. DEFINITIONS.

In this title:

(1) ALTERNATIVE DISPUTE RESOLUTION SYSTEM; ADR.—The term ''alternative dispute resolution system'' or ''ADR'' means a system that provides for the resolution of health care lawsuits in a manner other than through a civil action brought in a State or Federal court.

(2) CLAIMANT.—The term ''claimant'' means any person who brings a health care lawsuit, including a person who asserts or claims a right to legal or equitable contribution, indemnity, or subrogation, arising out of a health care liability claim or action, and any person on whose behalf such a claim is asserted or such an action is brought, whether deceased, incompetent, or a minor.

(3) COMPENSATORY DAMAGES.—The term ''compensatory damages'' means objectively verifiable

monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities, damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature. The term ''compensatory damages'' includes economic damages and noneconomic damages, as such terms are defined in this section.

(4) CONTINGENT FEE.—The term ''contingent fee'' includes all compensation to any person or persons which is payable only if a recovery is effected on behalf of one or more claimants.

(5) ECONOMIC DAMAGES.—The term ''economic damages'' means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities.

(6) HEALTH CARE LAWSUIT.—The term ''health care lawsuit'' means any health care liability claim concerning the provision of health care goods or services or any medical product affecting interstate commerce, or any health care liability action concerning the provision of health care goods or services or any medical product affecting interstate commerce, brought in a State or Federal court or pursuant to an alternative dispute resolution system, against a health care provider, a health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, regardless of the theory of liability on which the claim is based, or the number of claimants, plaintiffs, defendants, or other parties, or the number of claims or causes of action, in which the claimant alleges a health care liability claim. Such term does not include a claim or action which is based on criminal liability; which seeks civil fines or penalties paid to Federal, State, or local government; or which is grounded in antitrust.

(7) HEALTH CARE LIABILITY ACTION.—The term ''health care liability action'' means a civil action brought in a State or Federal court or pursuant to an alternative dispute resolution system, against a health care provider, a health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action, in which the claimant alleges a health care liability claim.

(8) HEALTH CARE LIABILITY CLAIM.—The term ''health care liability claim'' means a demand by any person, whether or not pursuant to ADR, against a health care provider, health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, including, but not limited to, third-party claims, cross-claims, counterclaims, or contribution claims, which are based upon the provision of, use of, or payment for (or the failure to provide, use, or pay for) health care services or medical products, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action.

(9) HEALTH CARE ORGANIZATION.—The term ''health care organization'' means any person or entity which is obligated to provide or pay for health benefits under any health plan, including any person or entity acting under a contract or arrangement with a health care organization to provide or administer any health benefit.

(10) HEALTH CARE PROVIDER.—The term ''health care provider'' means any person or entity required by State or Federal laws or regulations to be licensed, registered, or certified to provide health care services, and being either so licensed, registered, or certified, or exempted from such requirement by other statute or regulation.

(11) HEALTH CARE GOODS OR SERVICES.—The term ''health care goods or services'' means any goods or services provided by a health care organization, provider, or by any individual working under the supervision of a health care provider, that relates to the diagnosis, prevention, or treatment of any human disease or impairment, or the assessment or care of the health of human beings.

(12) MALICIOUS INTENT TO INJURE.—The term ''malicious intent to injure'' means intentionally causing or attempting to cause physical injury other than providing health care goods or services.

(13) MEDICAL PRODUCT.—The term ''medical product'' means a drug, device, or biological product intended for humans, and the terms ''drug'', ''device'', and ''biological product'' have the meanings given such terms in sections 201(g)(1) and 201(h) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321(g)(1) and (h)) and section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)), respectively, including any component or raw material used therein, but excluding health care services.

(14) NONECONOMIC DAMAGES.—The term ''noneconomic damages'' means damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature.

(15) PUNITIVE DAMAGES.—The term ''punitive damages'' means damages awarded, for the purpose of punishment or deterrence, and not solely for compensatory purposes, against a health care provider, health care organization, or a manufacturer, distributor, or supplier of a medical product. Punitive damages are neither economic nor noneconomic damages.

(16) RECOVERY.—The term ''recovery'' means the net sum recovered after deducting any disbursements or costs incurred in connection with prosecution or settlement of the claim, including all costs paid or advanced by any person. Costs of health care incurred by the plaintiff and the attorneys' office overhead costs or charges for legal services are not deductible disbursements or costs for such purpose.

(17) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, or any political subdivision thereof.

SEC. 109. EFFECT ON OTHER LAWS.

(a) VACCINE INJURY.—

(1) To the extent that title XXI of the Public Health Service Act establishes a Federal rule of law applicable to a civil action brought for a vaccine-related injury or death—

(A) this title does not affect the application of the rule of law to such an action; and

(B) any rule of law prescribed by this title in conflict with a rule of law of such title XXI shall not apply to such action.

(2) If there is an aspect of a civil action brought for a vaccine-related injury or death to which a Federal rule of law under title XXI of the Public Health Service Act does not apply, then this title or otherwise applicable law (as determined under this title) will apply to such aspect of such action.

(b) OTHER FEDERAL LAW.—Except as provided in this section, nothing in this title shall be deemed to affect any defense available to a defendant in a health care lawsuit or action under any other provision of Federal law.

SEC. 110. STATE FLEXIBILITY AND PROTECTION OF STATES' RIGHTS.

(a) HEALTH CARE LAWSUITS.—The provisions governing health care lawsuits set forth in this title 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 title. The provisions governing health care lawsuits set forth in this title supersede chapter 171 of title 28, United States Code, to the extent that such chapter—

(1) provides for a greater amount of damages or contingent fees, a longer period in which a health care lawsuit may be commenced, or a reduced applicability or scope of periodic payment of future damages, than provided in this title; or

(2) prohibits the introduction of evidence regarding collateral source benefits, or mandates or permits subrogation or a lien on collateral source benefits.

(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 provided by this title or create a cause of action.

(c) STATE FLEXIBILITY.—No provision of this title shall be construed to preempt—

(1) any State law (whether effective before, on, or after the date of the enactment of this title) that specifies a particular monetary amount of compensatory or punitive damages (or the total amount of damages) that may be awarded in a health care lawsuit, regardless of whether such monetary amount is greater or lesser than is provided for under this title, notwithstanding section 4(a); or

(2) any defense available to a party in a health care lawsuit under any other provision of State or Federal law.

SEC. 111. APPLICABILITY; EFFECTIVE DATE.

This title shall apply to any health care lawsuit brought in a Federal or State court, or subject to an alternative dispute resolution system, that is initiated on or after the date of the enactment of this title, except that any health care lawsuit arising from an injury occurring prior to the date of the enactment of this title shall be governed by the applicable statute of limitations provisions in effect at the time the injury occurred.

TITLE II—REPEAL OF INDEPDENT PAYMENT ADVISORY BOARD

SEC. 201. SHORT TITLE.

This title may be cited as the ''Medicare Decisions Accountability Act of 2012''.

SEC. 202. REPEAL OF THE INDEPENDENT PAYMENT ADVISORY BOARD.

Effective as of the enactment of the Patient Protection and Affordable Care Act (Public Law 111–148), sections 3403 and 10320 of such Act (including the amendments made by such sections, but excluding subsection (d) of section 1899A of the Social Security Act, as added and amended by such sections) are repealed, and any provision of law amended by such sections is hereby restored as if such sections had not been enacted into law.

The Acting CHAIR. No further amendment to the bill, as amended, shall be in order except those printed in House Report 112–416. Each such further amendment may be offered only in the order printed in the report, by a Member designated in the report, shall

be considered 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.

□ 1020

AMENDMENT NO. 1 OFFERED BY MR. WOODALL

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112–416.

Mr. WOODALL. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 1, strike line 9 through page 3, line 8 and insert the following:

SEC. 102. PURPOSE.

It is the purpose of this title to implement reasonable, comprehensive, and effective health care liability reforms designed to—

The Acting CHAIR. Pursuant to House Resolution 591, the gentleman from Georgia (Mr. WOODALL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. WOODALL. Madam Chairman, my amendment is a very straightforward amendment. But before I actually talk about the text of it, I want to speak about the real accomplishment of my friend from Georgia, who is the sponsor of the underlying legislation, H.R. 5.

The Washington Times did an article on this Congress and called it one of the most ineffective Congresses in history because they looked at how many laws we passed. But then they went on, and they looked at how many days of debate we'd had, how many votes we'd had, how many issues that were important to the American people have we been able to expose in this Congress that we have not been able to expose in Congress before Congress before Congress before Congress in the past, and, Madam Chair, that's what we have today.

This bill, introduced by my good friend from Georgia, gives the American people an opportunity to discuss something that is on every single family's mind in this country when it comes to health care, and that is controlling the cost of medical malpractice litigation.

Now, in this body, I'm sure we could disagree about the myriad ways there are to control it, but we can agree, I suspect—man and woman, Democrat and Republican—that it has to be controlled. And I thank my colleague from Georgia for having the courage and the stick-to-itness to bring this bill to the floor after so many years of silence on this issue.

Madam Chair, my amendment simply strikes the findings section of the bill. As you know, findings are nonbinding parts of the legislation that speak to the intent of Congress. And this issue is, again, such a passionate one, not just for the 435 Members of this House, but for the 300 million Americans across this country. I choose to let the legislation speak for itself.

This legislation has been carved out with states' rights provisions in it, to make sure the States have the flexibility that they need. It has been carved out with input from physicians, from attorneys, from families, from providers all across the board.

So my amendment, Madam Chair, would not change the substance of the bill but would simply eliminate the findings section to allow the substance of the bill to speak for itself.

And with that, I reserve the balance of my time.

Mr. CONYERS. I rise in opposition to the Woodall amendment.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. CONYERS. Madam Chair, we're striking the findings. By striking statements of constitutional authority for the bill, the amendment recognizes that many Members of the House question Congress' constitutional authority to pass H.R. 5. So for that reason, my colleagues, the findings are all important. Supporters of states' rights ought to take the next step and eliminate the section of the bill that preempts State law. Indeed, many supporters of the underlying bill have spent years arguing that decisions about health care are fundamentally prerogatives of the State.

So I have only 18 conservative or Republican scholars and leaders that agree with me, including the Heritage Foundation; the Virginia attorney general, Mr. Cuccinelli; the constitutional law professor at Georgetown Law Center; the distinguished Senator from Oklahoma, Mr. COBURN; some of our colleagues, including Judge TED POE of Texas, our colleague from Nebraska, LEE TERRY, former judge LOUIE GOHMERT, in particular, RON PAUL; the founder of the Tea Party Nation, Judson Phillips.

It goes on and on, where we are all in agreement that the findings are, indeed, critical and ought to be left in the bill. To take the findings out is incredible because we say that the Federal Government shouldn't be involved, that it's a State matter, and tort law, itself, is a State matter.

So for those reasons, Madam Chair, I am pleased to represent a bipartisan group of Members and scholars that very strenuously object to the findings being removed in this Woodall amendment.

Here's what conservative scholars and leaders have to say about this hypocrisy:

Heritage Foundation: Despite H.R. 5's reliance on the Commerce Clause, Congress has no business (and no authority under the Constitution) telling states what the rules should be governing medical malpractice claims.

Ken Cuccinelli, Virginia Attorney General: Senate Bill 197 takes an approach that implies ''Washington knows best'' while trampling states'' authority and the 10th Amendment. The legislation is breathtakingly broad in its assumptions about federal power, particularly the same 1 power to regulate commerce that lies at the heart of all the lawsuits (including Virginia's) against the individual mandate of the 2010 federal health-care law. I have little doubt that the senators who brought us S. 197 oppose the use of the commerce clause to compel individuals to buy health insurance. Yet they have no qualms about dictating to state court judges how they are to conduct trials in state lawsuits. How does this sort of constitutional disconnect happen?

And if [S. 197, a medical malpractice bill] it were ever signed into law—by a Republican or Democratic president—would file suit against it just as fast as I filed suit when the federal health-care bill was signed into law in March 2010.

Randy Barnett, Constitution law professor at Georgetown Law Center and senior fellow at the Cato Institute: This bill [H.R. 5] alters state medical malpractice rules by, for example, placing caps on noneconomic damages. But tort law—the body of rules by which persons seek damages for injuries to their person and property—have always been regulated by states, not the federal government. Tort law is at the heart of what is called the 'police power' of states. What constitutional authority did the supporters of the bill rely upon to justify interfering with state authority in this way?

Constitutional law professors have long cynically ridiculed a 'fair-weather federalism' that is abandoned whenever it is inconvenient to someone's policy preferences. If House Republicans ignore their Pledge to America to assess the Constitution themselves, and invade the powers 'reserved to the states' as affirmed by the Tenth Amendment, they will prove my colleagues right.

Senator Tom Coburn (R–OK): What I worry about as a fiscal conservative and also as a constitutionalist, is that the first time we put our nose under the tent to start telling Oklahoma or Ohio or Michigan what their tort law will be, where will it stop? In other words, if we can expand the commerce clause enough to mandate that you have to buy health insurance, then I'm sure nobody would object to saying we can extend it enough to say what your tort law is going to be. Then we are going to have the federal government telling us what our tort laws are going to be in healthcare, and what about our tort laws in everything else? Where does it stop?

One of the things our founders believed was that our 13 separate states could actually have some unique identity under this constitution and maybe do things differently, and I think we ought to allow that process to continue as long as we are protecting human and civil rights.

Congressman Lee Terry (R–NE): If you're a true believer in the 10th Amendment, then why are we not allowing the states to continue to create their own laws and decide what's in their best interest for their residents?

Congressman Ted Poe (R–TX): The question is: does the federal government have the authority under the Commerce Clause to override state law on liability caps? 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. . . . but I have concerns with the current bill as written.

Congressman Louie Gohmert (R–TX): 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.

Congressman Ron Paul (R–TX): The federal government shouldn't be involved. It's a state matter; tort law is a state matter.

Congressman John Duncan (R–TN): I have faith in the people—I have faith in the jury system. It's one of the most important elements of our freedom, and it was so recognized in the Constitution, was felt to be so important, it was specifically put into the Constitution in the Seventh Amendment. And I'll tell you, it's a very dangerous thing to take away rights like that from the people.

Senator Mike Lee (R–UT) on tort reform: Congress needs to be very careful when it enters into a uniquely state law area like tort. So tort reform needs to be undertaken very carefully insofar as it done at the federal level.

Judson Phillips, founder of Tea Party Nation: Some conservatives complain opposing unconstitutional tort reform rewards the trial lawyers. The trial lawyers may benefit from stopping unconstitutional tort reform, but we fight to protect the Constitution. In this case, the trial lawyers are with us supporting the 10th Amendment.

Robert Natelson, senior fellow at the Independence Institute: To be blunt: H.R. 5 flagrantly contravenes the limitations the Constitution places upon Congress, and therefore violates both the Ninth and Tenth Amendments. . . . During the debate over ratification of the Constitution, leading Founders specifically represented that the subject-matter of H.R. 5 was outside federal enumerated powers and reserved to the states.

John Baker, Catholic University law professor: House Republicans hope to nationalize medical malpractice law, which is traditionally a matter of state tort law, by passing H.R. 5, a bill that would wipe out all state medical malpractice laws and complete the nationalization of healthcare. Passage of H.R. 5 would undercut arguments that Obamacare is unconstitutional.

Carrie Severino, chief counsel and policy director at the Judicial Crisis Network: Among other things, S. 197 sets a statute of limitations for claims, caps damages and creates standards for expert witnesses . . . but they are not within the constitutional powers granted to the federal government for the very same reasons Obamacare is not.

The law's own justification for its constitutional authority should be chilling to anyone committed to limited federal power. The bill's findings state that health care and health insurance are industries that 'affect interstate commerce,' and conclude that Congress therefore has Commerce Clause power to regulate them—even when it involves an in-state transaction between a doctor and patient, governed by in-state medical malpractice laws.

I yield back the balance of my time.

Mr. WOODALL. Madam Chair, I yield myself such time as I may consume to say that, as a freshman in this body, I've had to learn a few things over the last 15 months here serving in this body, and what I have learned is that I haven't been able to get every bill that I want out of this House the exact way I want it when it leaves here. It has been much to my chagrin. I thought I was going to be able to come here and make every bill perfect before it leaves here. But not only can I not make it perfect before it goes, but then I have to deal with that United States Senate, and that has proved to be the most complicated part of this process.

There are absolutely, as the gentleman has listed, folks who have concerns about the underlying nature of this bill. But if not for this Gingrey bill, we wouldn't be able to have this conversation at all. If not for the courage of folks to step out on the ledge and begin this conversation, we wouldn't be able to have it at all.

If we are to advance the cause of litigation reform in this country, if we are to control the inaccessibility of health care that comes from rising costs, then we have to be willing to come to the floor of this House and have the kinds of debates that my friend from Georgia has made possible today. That's true.

I may disagree with some of the ways that we've gotten here—and by striking the findings, we make no conclusions today about why we're here—but we make the certain conclusion today that if we don't begin this process, we will never bring it to conclusion. If we don't have this discussion today, Madam Chair, we will never solve these issues.

Mr. CONYERS. Would the gentleman yield?

Mr. WOODALL. I would be happy to yield to the ranking member.

Mr. CONYERS. I thank the gentleman for his courtesy. But why, as a new Member—and we welcome you to this body—why would we strike all the findings from H.R. 5?

Mr. WOODALL. Reclaiming my time, and I thank the ranking member for his question. And that's a good way to conclude, Madam Chair.

The reason is because the language of the bill speaks for itself. The language of the bill speaks for itself. When this bill passes the House today, Madam Chair, we will have the U.S. House of Representatives on record about solutions to the malpractice challenges that face this Nation. But there is no need to be on the record today, Madam Chair, about all of the different ways that we got here. Because I might disagree with my friend from Georgia about how we got here. I would certainly disagree with my friend from Michigan about how we got here.

But what is important is that we begin to take those steps forward. And with the removal of these findings, we are going to be able to let that language stand on its face for this House to have the free and open debate that I'm looking forward to today.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. WOODALL).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. CONYERS. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

□ 1030

AMENDMENT NO. 2 OFFERED BY MS. BONAMICI

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112–416.

Ms. BONAMICI. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 23, line 22, strike ''date of enactment'' and insert ''effective date''.

Page 23, line 24, strike ''date of enactment'' and insert ''effective date''.

Page 24, line 2, insert after ''the injury occurred'' the following: ''This title shall take effect only on the date the Secretary of Health and Human Services submits to Congress a report on the potential effect of this title on health care premium reductions.''.

The Acting CHAIR. Pursuant to House Resolution 591, the gentlewoman from Oregon (Ms. BONAMICI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Oregon.

Ms. BONAMICI. My amendment to H.R. 5 simply requires the Secretary of Health and Human Services to submit a report to Congress detailing the effect that the tort reform provisions in this bill would have on health care premiums and delays the effective date of title I of the bill until that report is submitted.

For years, proponents of tort reform have tried to convince Americans that skyrocketing health care costs are entirely attributable to greedy plaintiffs and runaway jury awards. They recite anecdotes about doctors closing their practices, refusing to deliver babies or perform surgeries, for fear of being sued. But, Madam Chair, we should not be making Federal policy based on anecdotes.

If recent independent research is any indication, the report that the Secretary submits to Congress under this amendment is unlikely to find that the bill will have any meaningful effect on health care premiums. Recent analysis in States adopting restrictions similar to those in this bill has found no substantial impact on the consumer cost of health care, nor has access to health providers improved as a result.

Proponents of tort reform claim that capping damages will drive down the cost of medical malpractice insurance and that doctors will pass this savings along to patients. But 2 years ago, CBO found that malpractice insurance premiums, settlements, and awards account for just a tiny fraction of total health care expenditures. In 27 States where damages have been capped, the medical malpractice premiums are not lower on average than in States without caps.

My amendment asks for data on how this bill will affect the cost of health care for all Americans. Now, I want to be very clear—no one should be compensated for a frivolous lawsuit. But there are ways to address frivolous

lawsuits without infringing on the rights of those who truly have been injured by medical mistakes.

What this bill does accomplish ought to frighten anyone who believes in the rights of States to govern themselves and the rights of individuals to be compensated for loss. This bill tramples over the rights of States to enact laws governing their own tort systems, and it severely restricts individuals' rights to be compensated for all the losses caused by health care providers.

In my home State of Oregon, for example, our supreme court has held that most statutory caps on noneconomic damages are unconstitutional. And Oregon is not alone. At least 12 other States have some constitutional prohibition against these types of restrictions. This bill not only overrides State laws and constitutions governing punitive and noneconomic damage awards; it also addresses States' statutes of limitations, pleading standards, attorney-fee provisions, and joint liability. But it does not stop there.

Although this bill is being presented as medical malpractice reform, it reaches far beyond professional malpractice against doctors to include product liability cases against drug and device manufacturers, bad-faith claims against HMOs and insurance companies, and negligence suits against nursing homes. And it would take away all of the State and individual rights in far-reaching areas of the health care industry without evidence that doing so will lower the premiums for Americans. This is an unwarranted intrusion in personal liberty and a giveaway to insurance companies. So we should know if it's going to lower health care premiums.

If this Congress is going to enact a sweeping bill nullifying longstanding State law and trampling on State constitutional rights, it's not too much to ask that we arm ourselves with the knowledge of how this will actually affect American families. This amendment simply requires the Secretary of Health and Human Services to submit a report to Congress with that information before title I of this bill takes effect—a reasonable requirement.

I reserve the balance of my time.

Mr. GINGREY of Georgia. Madam Chair, I rise in opposition to the Bonamaci amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GINGREY of Georgia. I rise in opposition to the Bonamici amendment because it would indefinitely delay critical medical liability reforms that will save American taxpayers tens of billions of dollars and save our health care system upwards of $200 billion a year in unnecessary spending.

The amendment before us would delay enactment of the tort reforms outlined in H.R. 5 until the Secretary of Health and Human Services submits a report to Congress on the potential effects of medical liability reform on health care premiums. However, the amendment does not require the Secretary to produce a report by a date certain. In fact, the Secretary could simply choose to never issue a report and forever delay the reforms at the heart of this underlying bill.

Regardless of what one thinks about H.R. 5, I do not believe it is appropriate to vest the Secretary of Health and Human Services with the authority to permanently block enactment of a law based on the inability to produce a report. I realize that there are some who might disagree because they would like to provide the Secretary with the authority under IPAB to unilaterally dictate the medical choices of seniors. Given the track record of this administration on liability reform and their failure to address the issues in ObamaCare, HHS should not be given the power to bob and weave on this issue once again.

I do find the amendment somewhat ironic, and I actually wish the author of the amendment was in Congress during debate over PPACA. Maybe if we had this type of amendment then, we would not be saddled with a law that has taken away people's health care choices and raised their health care premiums. We were promised that the law would reduce health care premiums by $2,500 a year. During debate on PPACA we knew that that was not true, and the CBO told Congress that it was not true. What was common sense is coming to fruition now. The law has given us a billion-dollar new bureaucracy, and it's fueling ever-increasing health care and premium costs.

In this case, Madam Chairman, this amendment is not needed because we have seen that real medical liability reform can and will reduce costs. It will stop the vicious cycle of frivolous lawsuits and defensive medicine. It will make our health care system more efficient and actually reduce unnecessary spending in the health care system, another thing the health care law failed to do. We do not need this amendment.

With that, Madam Chairman, I yield 1 minute to the distinguished majority leader, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. I thank the gentleman.

Madam Chair, I rise in opposition to this amendment, which would simply delay the implementation of what we know is a cost-savings measure to so many millions of seniors—and so many millions of Americans, not just seniors.

Madam Chair, today we will vote to repeal one of PPACA's most harmful provisions, the Independent Payment Advisory Board. IPAB is emblematic of the two very different visions held by Republicans and Democrats about the path to quality care and how to control costs in our health care system.

Madam Chair, the President and his party want a centralized board of bureaucrats to control decisions about how health care is allocated to our Nation's seniors. He proposes to restrict health care choices in order to lower cost. Our American system of free enterprise, innovation, and ingenuity has made our health care centers the best in the world. Our doctors transform dire health care conditions into promising outcomes and healthy lives. We produce the world's lifesaving drugs, disease-prevention regimens, biologics, and devices. But IPAB hamstrings the best available care for our seniors by imposing artificial and arbitrary constraints on cost.

Neither the President nor congressional Democrats have proposed a solution to strengthen Medicare. Instead, the President gives 15 bureaucrats the power to make fundamental decisions about the care that seniors will have access to. Not to be deterred, the President has proposed expanding this board numerous times over the past year, vastly growing the board's scope and ability to fix prices and ultimately ration care for our Nation's seniors.

Madam Chair, the President and I do agree on this: the current Medicare reimbursement system is broken. But we don't need a board of unelected bureaucrats to control costs. As we have proposed today, there is a better path forward.

During the health care debate, the President agreed with our Nation's doctors that defensive medicine practices are driving up costs. Yet meaningful medical liability reform was not included in the 2,000-page health care law.

Madam Chair, as my colleagues have proposed today, we can model medical liability reforms on State-based laws. California, Texas, and Virginia have all implemented working solutions that drive down the cost of care. We can even propose more creative medical liability reform solutions. We're always open to new ideas and suggestions. But not delay. Moving forward with commonsense medical liability reforms will mean that doctors can continue serving patients.

□ 1040

It means that injured patients will be compensated more quickly and fairly. It means health care costs will go down.

Madam Chair, you don't need a new rationing board to save $3 billion. You simply need to enact liability reform policies that are so commonsense even States like California and others have had them on the books for decades.

When the entire medical community stands opposed to an idea, I would hope that our colleagues on the other side of the aisle and the President would listen. ObamaCare's IPAB is not the solution our seniors are expecting us to deliver. Our seniors deserve better.

Madam Chair, I thank Dr. PHIL ROE, the gentleman from Tennessee, and Dr. PHIL GINGREY, the gentlemen from Georgia, for sponsoring the PATH Act. I'd also like to recognize Chairman FRED UPTON, Chairman DAVE CAMP, and Chairman LAMAR SMITH for working to strengthen Medicare for our seniors. Under their leadership, our House

committees are advancing policies that will deliver the quality of health care the American people deserve.

Ms. BONAMICI. Madam Chair, I yield 15 seconds to my colleague from Michigan (Mr. CONYERS).

Mr. CONYERS. Just to get the facts into this debate, I rise in strong support of the Bonamici amendment. I include for the RECORD the Congressional Budget Office letter to Chairman DREIER on March 19 in which the CBO estimates that enacting the provision will increase the deficits, if you use IPAB, by $3.1 billion.

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, March 19, 2012.

Hon. DAVID DREIER,
Chairman, Committee on the Rules, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 5, the Help Efficient, Accessible, Low-cost, Timely Healthcare (HEALTH) Act of 2011, as posted on the Web site of the House Committee on Rules on March 12, 2012. CBO estimates that enacting the bill would reduce direct spending and increase revenues; therefore, pay-as-you-go procedures apply. Together, the changes to direct spending and revenues would reduce future deficits by $13.7 billion over the 2013–2017 period and by $45.5 billion over the 2013–2022 period.

Federal spending for active workers participating in the Federal Employees Health Benefits program is included in the appropriations for federal agencies, and is therefore discretionary. H.R. 5 would also affect discretionary spending for health care services paid by the Departments of Defense and Veterans Affairs. CBO estimates that implementing H.R. 5 would reduce discretionary spending by $1.1 billion, assuming appropriations actions consistent with the legislation.

H.R. 5 would impose limits on medical malpractice litigation in state and federal courts by capping awards and attorney fees, modifying the statute of limitations, and eliminating joint and several liability. It also would repeal the provisions of the Affordable Care Act (ACA) that established the Independent Payment Advisory Board (IPAB) and created a process by which that Board (or the Secretary of the Department of Health and Human Services) would be required under certain circumstances to modify the Medicare program to achieve certain specified savings.

CBO estimates that the changes in direct spending and revenues resulting from enactment of the limitations on medical malpractice litigation would reduce deficits by $48.6 billion over the 2013–2022 period. CBO also estimates that implementing those provisions would reduce discretionary spending by $1.1 billion, assuming appropriations actions consistent with the legislation. The basis for that estimate is described in the cost estimate CBO transmitted on March 10, 2011, for the HEALTH Act as ordered reported by the House Committee on the Judiciary on February 16, 2011. The estimated budgetary effects have been updated to assume enactment near the end of fiscal year 2012 and to reflect CBO's current budgetary and economic projections.

CBO estimates that enacting the provision that would repeal the Independent Payment Advisory Board would increase deficits by $3.1 billion over the 2013–2022 period. The basis for that estimate is described in the cost estimates CBO transmitted on March 7 and March 8, 2012, for H.R. 452 as ordered reported by the House Committee on Energy and Commerce and by the House Committee on Ways and Means, respectively.

H.R. 5 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA) because it would preempt state laws that provide less protection for health care providers and organizations from liability, loss, or damages (other than caps on awards for damages). CBO estimates the cost of complying with the mandate would be small and would fall well below the threshold established in UMRA for intergovernmental mandates ($73 million in 2012, adjusted annually for inflation).

H.R. 5 contains several mandates on the private sector, including caps on damages and on attorney fees, the statute of limitations, and the fair share rule. The cost of those mandates would exceed the threshold established in UMRA for private-sector mandates ($146 million in 2012, adjusted annually for inflation) in four of the first five years in which the mandates were effective.

Mr. GINGREY of Georgia. Madam Chair, I respect my colleague from Oregon, and I know she is well meaning and very thoughtful, but I must oppose her amendment. At this time, I urge my colleagues to vote against the amendment, and I reserve the balance of my time.

Ms. BONAMICI. Madam Chairman, this is a reasonable amendment. It simply asks that before we make sweeping Federal policy that overrides State and individual rights we know what we're getting in return.

I urge my colleagues to support this very reasonable amendment. I yield back the balance of my time.

Mr. GINGREY of Georgia. Madam Chair, I yield back the balance of my time as well.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Oregon (Ms. BONAMICI).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. BONAMICI. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Oregon will be postponed.

The Chair understands that amendment No. 3 will not be offered.

AMENDMENT NO. 4 OFFERED BY MR. DENT

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112–416.

Mr. DENT. Madam Chair, I rise for the purpose of offering an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, insert the following:

TITLE III—HEALTH CARE SAFETY NET ENHANCMENT

SEC. 301. SHORT TITLE.

This title may be cited as the ''Health Care Safety Net Enhancement Act of 2012''.

SEC. 302. PROTECTION FOR EMERGENCY AND RELATED SERVICES FURNISHED PURSUANT TO EMTALA.

Section 224(g) of the Public Health Service Act (42 U.S.C. 233(g)) is amended—

(1) in paragraph (4), by striking ''An entity'' and inserting ''Subject to paragraph (6), an entity''; and

(2) by adding at the end the following:

''(6)(A) For purposes of this section—

''(i) an entity described in subparagraph (B) shall be considered to be an entity described in paragraph (4); and

''(ii) the provisions of this section shall apply to an entity described in subparagraph (B) in the same manner as such provisions apply to an entity described in paragraph (4), except that—

''(I) notwithstanding paragraph (1)(B), the deeming of any entity described in subparagraph (B), or of an officer, governing board member, employee, contractor, or on-call provider of such an entity, to be an employee of the Public Health Service for purposes of this section shall apply only with respect to items and services that are furnished to an individual pursuant to section 1867 of the Social Security Act and to post stabilization services (as defined in subparagraph (D)) furnished to such an individual;

''(II) nothing in paragraph (1)(D) shall be construed as preventing a physician or physician group described in subparagraph (B)(ii) from making the application referred to in such paragraph or as conditioning the deeming of a physician or physician group that makes such an application upon receipt by the Secretary of an application from the hospital or emergency department that employs or contracts with the physician or group, or enlists the physician or physician group as an on-call provider;

''(III) notwithstanding paragraph (3), this paragraph shall apply only with respect to causes of action arising from acts or omissions that occur on or after January 1, 2012;

''(IV) paragraph (5) shall not apply to a physician or physician group described in subparagraph (B)(ii);

''(V) the Attorney General, in consultation with the Secretary, shall make separate estimates under subsection (k)(1) with respect to entities described in subparagraph (B) and entities described in paragraph (4) (other than those described in subparagraph (B)), and the Secretary shall establish separate funds under subsection (k)(2) with respect to such groups of entities, and any appropriations under this subsection for entities described in subparagraph (B) shall be separate from the amounts authorized by subsection (k)(2);

''(VI) notwithstanding subsection (k)(2), the amount of the fund established by the Secretary under such subsection with respect to entities described in subparagraph (B) may exceed a total of $10,000,000 for a fiscal year; and

''(VII) subsection (m) shall not apply to entities described in subparagraph (B).

''(B) An entity described in this subparagraph is—

''(i) a hospital or an emergency department to which section 1867 of the Social Security Act applies; and

''(ii) a physician or physician group that is employed by, is under contract with, or is an on-call provider of such hospital or emergency department, to furnish items and services to individuals under such section.

''(C) For purposes of this paragraph, the term 'on-call provider' means a physician or physician group that—

''(i) has full, temporary, or locum tenens staff privileges at a hospital or emergency department to which section 1867 of the Social Security Act applies; and

''(ii) is not employed by or under contract with such hospital or emergency department, but agrees to be ready and available to provide services pursuant to section 1867 of the Social Security Act or post-stabilization services to individuals being treated in the hospital or emergency department with or without compensation from the hospital or emergency department.

''(D) For purposes of this paragraph, the term 'post stabilization services' means, with respect to an individual who has been treated by an entity described in subparagraph (B) for purposes of complying with section 1867 of the Social Security Act, services that are—

''(i) related to the condition that was so treated; and

''(ii) provided after the individual is stabilized in order to maintain the stabilized condition or to improve or resolve the condition of the individual.

''(E)(i) Nothing in this paragraph (or in any other provision of this section as such provision applies to entities described in subparagraph (B) by operation of subparagraph (A)) shall be construed as authorizing or requiring the Secretary to make payments to such entities, the budget authority for which is not provided in advance by appropriation Acts.

''(ii) The Secretary shall limit the total amount of payments under this paragraph for a fiscal year to the total amount appropriated in advance by appropriation Acts for such purpose for such fiscal year. If the total amount of payments that would otherwise be made under this paragraph for a fiscal year exceeds such total amount appropriated, the Secretary shall take such steps as may be necessary to ensure that the total amount of payments under this paragraph for such fiscal year does not exceed such total amount appropriated.''.

SEC. 303. CONSTITUTIONAL AUTHORITY.

The constitutional authority upon which this title rests is the power of the Congress to provide for the general welfare, to regulate commerce, and to make all laws which shall be necessary and proper for carrying into execution Federal powers, as enumerated in section 8 of article I of the Constitution of the United States.

The Acting CHAIR. Pursuant to House Resolution 591, the gentleman from Pennsylvania (Mr. DENT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. DENT. Madam Chair, I'm pleased to join my colleague, PETE SESSIONS from Texas, on the floor this morning to support a very important amendment that we've introduced that would address the crisis in access to emergency care by extending liability coverage to on-call and emergency room physicians.

The underlying bill we're debating here today is about patient access to care. Now I recognize that ideology may divide the House on the underlying bill. But common sense should unite the House on this particular amendment. Our former colleague, Bart Gordon of Tennessee, had introduced this legislation with me last year. In this session, we have bipartisan support for this concept. Mr. MATHESON, Mr. LANGEVIN, and Mr. RUPPERSBERGER all have cosponsored this legislation that I am offering as an amendment. They cosponsored the original bill.

There's a growing shortage of physicians and specialists willing to work in emergency rooms. We've seen it all over the country. A 2006 Institute of Medicine report, ''The Future of Emergency Care,'' noted that the availability of on-call specialists is an acute problem in emergency departments and trauma centers. Emergency and trauma care is delivered in an inherently challenging environment. Every day, physicians providing emergency care make life-and-death decisions with little information or time about the patients they're treating.

I've spoken with surgeons who've told me they dread a Code Blue out of fear of a lawsuit. They want to serve these people who are coming into these emergency centers but are fearful for their families of a lawsuit. That's what medicine has become, unfortunately, because of this out-of-control litigation system.

As a result, these physicians providing emergency and trauma care face extraordinary exposure to medical liability claims. Forty percent of hospitals say the liability situation has resulted in less physician coverage for their emergency departments. According to a report from the GAO, soaring medical liability premiums have led specialists to reduce or stop on-call services to emergency departments. This trend threatens patients' access to emergency surgical services. Neurosurgery, orthopedics, and general surgery are the most impacted. They also are the services that emergency departments most frequently require. Trauma centers across the country have closed. In my home State of Pennsylvania, this has been a very serious problem.

This is an urgent issue that needs to be addressed. This amendment would protect access to emergency room care and reduce health care costs by allowing emergency and on-call physicians who deliver EMTALA-related services medical liability protections. EMTALA, the Emergency Medical Treatment and Active Labor Act, ensures that any person who seeks emergency medical care at a covered facility is guaranteed an appropriate screening exam and stabilization treatment before transfer or discharge, regardless of their ability to pay. EMTALA is a Federal mandate that protects all our citizens, the insured and the uninsured alike. This amendment will provide a backstop for the doctors who provide these critical services.

Specifically, the amendment would ensure medical services furnished by a hospital, emergency department, or a physician or on-call provider under contract with a hospital or emergency department pursuant to the EMTALA mandate are provided the same liability coverage currently extended to community health centers and health professionals who provide Medicaid services at free clinics.

This amendment will not impact the rights of individuals who have been harmed to seek redress. What this amendment will do is ensure medical professionals are available to provide critical, timely, lifesaving emergency and trauma medical care to all Americans when and where it is needed.

Please join me and Representative SESSIONS in supporting this amendment. If an accident ever happened to any of us, Heaven forbid, we want to make sure that there are people in these trauma centers and those emergency rooms ready to deal with us and who have nothing on their mind but saving our lives, not worrying about lawsuits. So I urge adoption of this amendment.

At this time, I reserve the balance of my time.

Mr. CONYERS. Madam Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. CONYERS. To my colleague, Mr. DENT, hold up. You're giving complete immunity to hospitals, physicians, and providers for any emergency activity. Do you want to do away with all liability whatsoever because it's in an emergency room? Of course, you don't. But this amendment requires the Federal Government to pay for the medical errors committed and denies our government any ability to address or reprimand those who commit medical errors. You don't want to do that. You don't want to go that far.

The Federal Government would be responsible for all occurrences of negligence in an emergency room. Please. Ninety-eight thousand patients die every year due to preventable medical errors.

I reserve the balance of my time.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Members are advised to address their remarks to the Chair.

Mr. DENT. Madam Chair, just very briefly in answer to my colleague's comments, I want to say very briefly that this does not waive liability. It simply says that when care is federally mandated under EMTALA that there will be Federal liability protection provided to those who are providing the care. That's only fair. People still can bring action, but there will be Federal liability protection, as there should be, because this care is being required under Federal law. I think it's completely reasonable.

At this time, I reserve the balance of my time.

Mr. CONYERS. But what we're doing in the amendment is to provide immunity to all hospitals and physicians and require the Federal Government to pay for medical errors committed by them.

Look, we have 98,000 patients dying every year due to preventable medical errors. I'm not slamming the docs and the hospitals. I'm saying that we don't want to provide complete immunity.

□ 1050

This Dent amendment, Madam Chairman, does just that: it provides complete immunity.

So I'm asking my colleagues to please slow down and realize that irreparable harm due to negligence in the emergency room—and we've got pages

and pages of examples—would be not subject to adjudication because of this amendment. It's a very dangerous amendment. It goes way too far. It's overbroad. And I urge my colleagues to carefully examine the consequences of this provision.

I reserve the balance of my time.

The Acting CHAIR. The gentleman from Pennsylvania has 30 seconds remaining.

Mr. DENT. The only thing I would like to say in response, once again, is this immunity protection only applies to care provided under EMPALA, and that's federally mandated care. Other activities going on in that emergency room or trauma center would not be given this exemption from liability, only federally mandated care. It can't be any more clear.

I reserve the balance of my time.

The Acting CHAIR. The gentleman from Michigan has 2 minutes remaining.

Mr. CONYERS. Madam Chairman, this amendment would actually lower the incentive to practice safe medicine, and I say this on careful examination.

I'm surprised that my colleague, the leader on the other side, himself a distinguished doctor, would be silent on this provision because it shields hospitals, employed physicians, even physicians who are already covered by private insurance; and physicians working in an emergency room setting will never be held accountable when they wrongfully injure their patient. That is my only reservation and objection to what is otherwise an honorably intended revision of this measure.

When hospitals and emergency room departments are not held accountable for medical errors and for negligence, then they have no incentive to offer quality care or hire competent physicians. Please, I beg you to carefully examine the dangers implicit in the Dent-Sessions amendment.

I yield back the balance of my time.

The Acting CHAIR. The gentleman from Pennsylvania has 15 seconds remaining.

Mr. DENT. In conclusion, this amendment has bipartisan support. As I said, our former colleague, Bart Gordon, who was a cosponsor, introduced this bill along with me last session. Mr. LANGEVIN is a cosponsor of the bill, Mr. MATHESON, Mr. RUPPERSBERGER. It makes sense. This is important to make sure our citizens have access to emergency care should they ever need it.

At this time, I urge support of the amendment, and I yield back the balance of my time.

Mr. SESSIONS. Madam Chair, I rise to support the amendment to H.R. 5 that I have cosponsored with my good friend Congressman CHARLIE DENT of Pennsylvania. The amendment extends critical liability coverage to emergency room and on-call physicians and physician groups.

Madam Chair, we are at a crisis point in this country. In these difficult economic times, our emergency rooms have become a source of primary care to many of our fellow citizens. At the time that we need them the most, nearly half of all emergency rooms in medical liability crisis states are under staffed. We face this shortage not because of a lack of trained specialists, but because liability coverage costs too much due to the unique set of medical challenges that are seen in emergency situations.

By law, emergency rooms must treat anyone who needs care regardless of if they have insurance or can afford it. Over the past several years, emergency rooms have seen an increase in patients due to the number of unemployed and/or uninsured people needing care. We have found that our emergency room cases are becoming more complicated and frequent, and our doctors do not have the luxury of a complete patient history.

Our emergency physicians are the first line of defense for the health care community. As such, we must provide basic liability protections to these emergency and on-call physicians. This liability protection is critical to maintaining the state of the art emergency facilities that we have at our disposal today.

The Dent-Sessions amendment would deem hospitals, emergency rooms, physicians and physicians groups that provide emergency care to individuals to be employees of the Public Health Service for purposes of any civil action that may arise due to health care items and services provided under the Public Health Service Act.

I commend Congressman DENT for his leadership on this issue and would ask my colleagues to support this amendment which is critical for patient care.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. DENT).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. GOSAR

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112–416.

Mr. GOSAR. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

TITLE III—RESTORING THE APPLICATION OF ANTITRUST LAWS TO HEALTH SECTOR INSURERS

SEC. 301. SHORT TITLE.

This title may be cited as the ''Health Insurance Industry Fair Competition Act of 2012''.

SEC. 302. APPLICATION OF THE ANTITRUST LAWS TO THE BUSINESS OF HEALTH INSURANCE.

(a) AMENDMENT TO MCCARRAN-FERGUSON ACT.—Section 3 of the Act of March 9, 1945 (15 U.S.C. 1013), commonly known as the McCarran-Ferguson Act, is amended by adding at the end the following:

''(c) Nothing contained in this Act shall modify, impair, or supersede the operation of any of the antitrust laws with respect to the business of health insurance. For purposes of the preceding sentence, the term 'antitrust laws' has the meaning given it in subsection (a) of the first section of the Clayton Act, except that such term includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition. For the purposes of this subsection, the term 'business of health insurance' shall—

''(1) mean 'health insurance coverage' offered by a 'health insurance issuer' as those terms are defined in section 9001 of the Patient Protection and Affordable Care Act, which incorporates by reference and utilizes the definitions included in section 9832 of the Internal Revenue Code (26 U.S.C. 9832); and

''(2) not include—

''(A) life insurance and annuities;

''(B) property or casualty insurance, including but not limited to, automobile, medical malpractice or workers' compensation insurance; or

''(C) any insurance or benefits defined as 'excepted benefits' under section 9832(c) of the Internal Revenue Code (26 U.S.C. 9832(c)), whether offered separately or in combination with products described in subparagraph (A).''.

(b) RELATED PROVISION.—For purposes of section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section applies to unfair methods of competition, section 3(c) of the McCarran-Ferguson Act shall apply with respect to the business of health insurance without regard to whether such business is carried on for profit, notwithstanding the definition of ''Corporation'' contained in section 4 of the Federal Trade Commission Act.

(c) LIMITATION ON CLASS ACTIONS.—

(1) LIMITATION.—No class action may be heard in a Federal or State court on a claim against a person engaged in the business of health insurance for a violation of any of the antitrust laws (as defined in section 3(c) of the Act of March 9, 1945 (15 U.S.C. 1013), commonly known as the McCarran-Ferguson Act).

(2) EXEMPTION.—Paragraph (1) shall not apply with respect to any action commenced—

(A) by the United States or any State; or

(B) by a named claimant for an injury only to itself.

The Acting CHAIR. Pursuant to House Resolution 591, the gentleman from Arizona (Mr. GOSAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. GOSAR. Madam Chair, I rise to address the House today in support of my amendment to H.R. 5 to amend the McCarran-Ferguson Act. This act exempts the business of insurance from many Federal antitrust laws. In this modern day and age, it is hard to see why this exemption still persists.

One of the original reasons to carve this exemption for the industry, which dates all the way back to 1945, was that insurance companies needed to share actuarial information in order to balance risk when setting premiums. However, since 1945, our Federal law has evolved to include safe harbors to permit companies to share this data as needed. I believe that violations of antitrust law cannot always be dealt with on the State level anymore as cash-strapped States lack the resources to enforce the law against these large, multi-state insurance companies. Therefore, it is time for this exemption to be repealed so that we can empower health insurance companies to compete more aggressively for the consumer dollar, increase competition, increase

insurance options, empower patients to a patient-centered system, and they decrease premiums. Therefore, we all win.

Lowering the cost of health insurance is a goal we should all share. That is why the House passed a very similar measure, H.R. 4626, with over 400 votes in 2010.

There is one key difference between H.R. 4626 and this amendment, a difference of which I am proud. My amendment includes a prohibition on class action lawsuits in Federal court against these health insurance companies.

The FTC should have the power to investigate bad actors in the health insurance industry, but it helps no one if these companies—or for that matter, any American businesses—get mired in lawsuits that will cost millions. Class action lawsuits often result in big bucks in attorney fees for greedy trial attorneys, while leaving only pennies in the hands of plaintiffs who are allegedly wronged in the first place.

For example, let's take the Cobell settlement. Fifteen years ago, a group of Native Americans sued the Federal Government and Secretary of the Interior, Bruce Babbitt, for mismanagement of their funds and won a $3.4 billion settlement only to find out that their attorneys were petitioning the judge for over $200 million in fees. This is outrageous.

When the poorest of poor are wronged in this country and are awarded a settlement in court, they shouldn't have to split pennies amongst themselves as their lawyers walk away with a big fat check. That is the spirit behind the tort reform piece of my amendment. I am pleased to see this House ready to pass significant tort reform today and encourage all my colleagues to support my amendment as well as the underlying bill.

I reserve the balance of my time.

Mr. CONYERS. Madam Chairman, I rise in strong opposition to this amendment.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. CONYERS. It is my position that within the good that this does is a poison pill. The good is that consumers would also benefit from a repeal of McCarran-Ferguson. We salute you. But the poison pill is that this measure would ban class actions on a claim for violation of antitrust law, which is the cleverest way of ending antitrust law. Unless you have a class action—well, my doctor-Congressman is not a lawyer, but without class actions, you can't bring a claim because nobody's going to file a suit on a $30 issue, 1 million people suing for $30 each. So it's a poison pill.

I'd like to yield such time as he may consume to the gentleman from Oregon (Mr. DEFAZIO), who had an amendment that had huge bipartisan support.

Mr. DEFAZIO. I thank the gentleman for yielding.

We had, at the end of last Congress, a tremendous bipartisan vote—406–19—on repealing straight up the antitrust immunity of the insurance industry.

The American people, no matter where they are on the Affordable Care Act, agree on one thing: insurance companies should not be able to get together and collude to either exclude people from coverage or drive up prices. Yet they do. They have an exemption under a law from the 1940s.

Now, what the gentleman is offering sounds pretty good, but it won't get us there because 90 percent of the antitrust cases are private, and almost every single one of those cases is a class action. So if you preclude class actions, you can pretend you're being tough with the insurance industry while you can wink and nod and say, hey, don't worry about it because there really won't be any litigation under this; and you're still going to be able to skate, and you're still going to be able to collude, and you're still going to be able to drive up prices.

Think of the context in which we're doing. We're talking about IPAB today, but they've already voted to repeal the entire Affordable Care Act. That means no more restrictions on rescissions—the dirty little practice where you've been paying your premium for years and you get sick and the insurance company says, sorry, we're not going to renew your policy. That's been outlawed.

□ 1100

They're going to do away with the prohibitions on age discrimination. They're going to do away with the prohibitions on preexisting conditions. So now we're going to have an insurance industry that is, essentially, free from antitrust law, that can take away your policy when you get sick, that can discriminate against you because you're old, can discriminate against you because you're sick or you have been sick, and it would take away the protections and the review of excessive rate increases.

So if we were doing a straight-up, take away their antitrust immunity, make them play by the same rules as every other business in America, except for professional sports, who are exempt from antitrust law, that would be fine. But let's not have this phony fig leaf so you can wink and nod to the insurance industry and say, ''Hey, don't worry about it; it won't have any impact,'' but we can say to consumers we're with them.

Mr. GOSAR. We failed to realize that what we did here in repeal of McCarran-Ferguson is the FTC. It is the FTC. It is the FTC and the Department of Justice.

Right now, privately, yes, you're right. Without the repeal of McCarran-Ferguson, there is more coming from the private aspect, but that's because we have limited the Federal oversight in the FTC and the Department of Justice.

This compromise is weighted very carefully to make sure that we get back to a balance, both Federal and State, and does not oversee the states' rights as well.

I reserve the balance of my time.

Mr. CONYERS. Madam Chairman, I yield myself the balance of my time.

We are here debating an overwhelming proposition offered by the gentleman from Oregon (Mr. DEFAZIO), which would have corrected this problem so beautifully. But now comes the poison pill, which says no more class actions. If you can't bring class actions in this matter, then there's no way people with small, valid claims can go into court and sue for 30 bucks.

Now, I think most people understand this without going to law school. If you eliminate class actions, you have effectively destroyed the McCarran-Ferguson repeal that we are bragging about. So it's a kind of undercover scheme. We pretend we're doing something good. We ignore DEFAZIO's overwhelmingly bipartisan supported provision, and we let the insurance company through, and they live to continue the vile practices that have been revealed and discussed in this debate.

I yield back the balance of my time.

Mr. GOSAR. Once again, I want to make sure that everybody understands that you're giving Federal oversight of collusion and monopoly. In class action lawsuits, what you're doing is not giving it all away, but you're limiting the vast improprieties that occur right now with class action.

This is carefully manipulated so that we're moving the balance down the field and it balances it out with competition and having some oversight over our jurisdiction of judgements that are impugned with class action. Class action has gotten way out of line, and most American people do understand that classification.

I yield back the balance of my time.

Mr. SMITH of Texas. Madam Chair, 2 years ago, during the debate over the Obama administration's unconstitutional health care bill, this House considered a measure similar to this amendment.

During that debate, I argued that the repeal of the McCarran-Ferguson antitrust exemption for health insurers had "all the substance of a soup made by boiling the shadow of a chicken." However, I reluctantly supported that bill because I believed that it would have no meaningful effect. Compared to the administration's health care bill, a bill that does nothing looked like a great idea.

As I noted during the debate 2 years ago, the repeal of the McCarran-Ferguson exemption for health insurers will not bring down premiums.

The Congressional Budget Office (CBO) says that "whether premiums would increase or decrease as a result of this legislation is difficult to determine, but in either case the magnitude of the effect is likely to be quite small."

The effects of the repeal of this exemption will be small. The CBO says, "State laws already bar the activities that would be prohibited under Federal law if this bill was enacted." Every State's insurance regulations

ban anticompetitive activities like bid rigging, price fixing and market allocation. Every State has insurance regulators who already actively enforce these prohibitions.

This amendment, like the bill we considered 2 years ago, will have no meaningful impact and may have minor negative unintended consequences.

But I will once again reluctantly support this measure because this amendment takes important steps to limit its unintended consequences and to reaffirm the McCarran-Ferguson exemption for non-health lines of insurance.

This amendment contains language that clearly limits its application to the business of health insurance. While the repeal of the McCarran-Ferguson exemption for health insurance does essentially nothing, repealing it for other types of insurance could be disastrous.

One of the main benefits of the McCarran-Ferguson exemption is that it allows insurance companies, subject to state regulation, to share historical and actuarial data.

The antitrust laws generally frown on competitors that share data. But in the insurance market, sharing data improves competition. This is because a shared pool of data about the risks and loss rates of various kinds of insurance allows small and medium-sized insurers to enter the market and compete.

If insurance companies did not pool data, only the largest insurers would have access to enough data to account for risk and price their policies.

For a number of reasons, which include the size of most health plans, the availability of health care data from various public and private sources, and the relative predictability of health care costs, health insurers rely much less on sharing data than other insurers.

This amendment contains a clear definition that limits its application to the business of health insurance. It clarifies that the McCarran-Ferguson exemption continues to apply to life insurance, annuities, property and casualty insurance, and other non-health types of insurance. It is an improvement over other proposals that are not so limited, defined and clear about their intent.

This amendment also prevents private class action antitrust lawsuits against health insurers. This limits the possible unintended negative effects.

Because this amendment is much improved in ways that will limit its unintended consequences, and because it reaffirms the importance of the McCarran-Ferguson exemption to non-health lines of insurance, I support the amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. GOSAR).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. STEARNS

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112–416.

Mr. STEARNS. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following:

TITLE III—PROTECTIONS FOR GOOD SAMARITAN HEALTH PROFESSIONALS

SEC. 301. SHORT TITLE.

This title may be cited as the ''Good Samaritan Health Professionals Act of 2012''.

SEC. 302. LIMITATION ON LIABILITY FOR VOLUNTEER HEALTH CARE PROFESSIONALS.

(a) IN GENERAL.—Title II of the Public Health Service Act (42 U.S.C. 202 et seq.) is amended by inserting after section 224 the following:

''SEC. 224A. LIMITATION ON LIABILITY FOR VOLUNTEER HEALTH CARE PROFESSIONALS.

''(a) LIMITATION ON LIABILITY.—Except as provided in subsection (b), a health care professional shall not be liable under Federal or State law for any harm caused by an act or omission of the professional if—

''(1) the professional is serving as a volunteer for purposes of responding to a disaster; and

''(2) the act or omission occurs—

''(A) during the period of the disaster, as determined under the laws listed in subsection (e)(1);

''(B) in the health care professional's capacity as such a volunteer; and

''(C) in a good faith belief that the individual being treated is in need of health care services.

''(b) EXCEPTIONS.—Subsection (a) does not apply if—

''(1) the harm was caused by an act or omission constituting willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious flagrant indifference to the rights or safety of the individual harmed by the health care professional; or

''(2) the health care professional rendered the health care services under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or an intoxicating drug.

''(c) STANDARD OF PROOF.—In any civil action or proceeding against a health care professional claiming that the limitation in subsection (a) applies, the plaintiff shall have the burden of proving by clear and convincing evidence the extent to which limitation does not apply.

''(d) PREEMPTION.—

''(1) IN GENERAL.—This section preempts the laws of a State or any political subdivision of a State to the extent that such laws are inconsistent with this section, unless such laws provide greater protection from liability.

''(2) VOLUNTEER PROTECTION ACT.—Protections afforded by this section are in addition to those provided by the Volunteer Protection Act of 1997.

''(e) DEFINITIONS.—In this section:

''(1) The term 'disaster' means—

''(A) a national emergency declared by the President under the National Emergencies Act;

''(B) an emergency or major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act; or

''(C) a public health emergency determined by the Secretary under section 319 of this Act.

''(2) The term 'harm' includes physical, nonphysical, economic, and noneconomic losses.

''(3) The term 'health care professional' means an individual who is licensed, certified, or authorized in one or more States to practice a health care profession.

''(4) The term 'State' includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

''(5)(A) The term 'volunteer' means a health care professional who, with respect to the health care services rendered, does not receive—

''(i) compensation; or

''(ii) any other thing of value in lieu of compensation, in excess of $500 per year.

''(B) For purposes of subparagraph (A), the term 'compensation'—

''(i) includes payment under any insurance policy or health plan, or under any Federal or State health benefits program; and

''(ii) excludes—

''(I) reasonable reimbursement or allowance for expenses actually incurred;

''(II) receipt of paid leave; and

''(III) receipt of items to be used exclusively for rendering the health services in the health care professional's capacity as a volunteer described in subsection (a)(1).''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—This title and the amendment made by subsection (a) shall take effect 90 days after the date of the enactment of this title

(2) APPLICATION.—This title applies to any claim for harm caused by an act or omission of a health care professional where the claim is filed on or after the effective date of this title, but only if the harm that is the subject of the claim or the conduct that caused such harm occurred on or after such effective date.

The Acting CHAIR. Pursuant to House Resolution 591, the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

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

I have a very simple amendment today. It's the Good Samaritan Health Professionals Amendment. This amendment would allow trained medical professionals to volunteer across State lines to assist in Presidentially declared Federal disaster sites.

My colleagues, in the aftermath of Hurricane Katrina, we saw firsthand how much of a demand there is for trained professionals at disaster sites and how there is a need to provide liability protection for these very experienced individuals.

According to the Council of State Governments, the most pressing need immediately after Katrina was the availability of medical volunteers. However, out-of-state practitioners providing medical treatment face the real possibility of noncoverage under their medical malpractice policies. Those that volunteer and treat the sick are at risk of violating existing statutes and potentially facing criminal or administrative penalties or civil liabilities.

A Baton Rouge newspaper, The Advocate, ran a story in September 2005 that talked about Dr. Mark Perlmutter, who was in the midst of giving a woman chest compressions when FEMA asked him to stop because of issues of liability protection.

CNN ran a story about a doctor who was evacuated to the New Orleans' airport. The doctor was amazed to see hundreds of sick people and wanted to help them. He wanted to ply his professional talents and heal the sick, but

was prevented from doing so because of legal liability. ''They told us, you know, you could help us by mopping the floor,'' and that's what he was forced to do. And so he mopped the floor while people died all around him.

What was the cost of inaction because of the litigious society that we have? It's incidents like these, my colleagues, that's why I introduced the Good Samaritan Health Professionals Act, H.R. 3586. It's a very simple bill, and its the foundation for this amendment to the PATH Act.

This amendment would allow medical professionals to volunteer at disaster sites. It would provide limited civil liability protection to medical volunteers who act on a good faith effort.

This is limited protection. It still allows victims to sue for serious acts such as criminal misconduct, reckless misconduct, or gross negligence. It does not cover criminal acts by health volunteers.

You shouldn't have someone that spent years in college, years in medical school, through residency, spent years as a practicing physician, push a mop when there's clear need for their services. This is wrong, and my amendment will correct that.

My colleague from Utah Mr. MATHESON and myself have a very simple amendment today. It is the Good Samaritan Health Professional Amendment. This amendment would allow trained medical professionals to volunteer across State lines to assist at presidentially declared disaster sites.

In the aftermath of Hurricane Katrina, we saw first hand how much of a demand there is for trained professionals at disaster sites and how there is a need to provide liability protection.

According to the Council of State Governments, the most pressing need immediately after Katrina was the availability of medical volunteers.

However, out-of-State practitioners providing medical treatment face the real possibility of non-coverage under their medical malpractice policies. Those that volunteer and treat the sick are at risk of violating existing statues and potentially facing criminal or administrative penalties or civil liability.

A Baton Rouge newspaper, The Advocate, ran a story in September 2005 that talked about Dr. Mark Perlmutter, who was in the midst of giving a woman chest compressions when FEMA asked him to stop because of issues of liability protection.

CNN ran a story about a doctor who was evacuated to the New Orleans airport. The doctor was amazed to see hundreds of sick people and wanted to help. He wanted to ply his profession and heal the sick, but was prevented from doing so because of legal liability. ''They told us, you know, you could help us by mopping the floor.'' And so he mopped the floors while people died around him.

What was the cost of inaction because of our litigious society?

Its incidents like this, that's why I introduced the Good Samaritan Health Professional Act, H.R. 3586. It's a very simple bill, and it's the foundation for this amendment to the PATH Act.

This amendment would allow medical professionals to volunteer at disaster sites. It would provide limited civil liability protection to medical volunteers who act on a good faith effort.

This is limited protection. It still allows victims to sue for serious acts such, as criminal misconduct, reckless misconduct or gross negligence. It does not cover criminal acts by health volunteers.

But for everyone working in good faith and doing the right thing, it will provide this basic protection to any trained medical volunteer. It will protect:

Doctors, nurses or physician assistants that treat the injured;

The psychiatrist, psychologist or therapist that provide emotional assistance to those grieving, and;

The pharmacists or respiratory therapists that helps treat chronic conditions like diabetes or COPD.

You shouldn't have someone that spent years in college, years in medical school, been through residency, and spent years as a practicing physician, push a mop when there is a clear need for their services.

This is wrong, and my amendment will correct this.

The Good Samaritan Health Professional Amendment has a broad coalition of supporters. They include:

The American College of Surgeons
The American Medical Association
The American Hospital Association
The College of Emergency Physicians
The Neurologists
The Physician Insurers Association
The Roundtable of Critical Care

These are just a sample; there are more medical groups that support this amendment. I also would like to submit these letters of support into the RECORD.

This is a good amendment. It will save lives.

AMERICAN COLLEGE OF SURGEONS,
March 21, 2012.

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

DEAR MR. SPEAKER: On behalf of the more than 78,000 members of the American College of Surgeons (ACS), I would like to express our support for amending H.R. 5, the Protecting Access to Healthcare (PATH) Act of 2011 to include H.R. 3586, the Good Samaritan Health Professionals Act of 2011 (Stearns/Matheson Amendment). The ACS supports this amendment which would ensure disaster victims' access to medically necessary care in a declared emergency.

Rapid medical response in a disaster can greatly decrease loss of life and improve outcomes for patients who desperately need assistance. Surgeons in particular, with their training in trauma and critical care, play a major role in the health care community's response to most disaster situations. Properly trained volunteers are critical in such circumstances.

However, due to inconsistent state laws and lack of federal policy, it is often unclear whether protections against unnecessary lawsuits exist for medical volunteers who cross state lines. Sadly, this lack of uniformity has greatly hindered the ability of volunteer health professionals to provide care; in some cases, volunteer health professionals have even been turned away due to uncertainty about potential liability.

Enactment of the Stearns/Matheson amendment would provide volunteer health professionals with the same level of civil immunity that they have in their home state when they provide urgently needed care in a declared emergency. Removing barriers that prohibit licensed surgeons and other qualified health care professionals from voluntarily administering medically necessary care during disasters will ensure citizens access to high-quality surgical services in the event of a crisis.

Again, we strongly support the Stearns/Matheson amendment to H.R. 5 and look forward to working with you to ensure its enactment.

Sincerely,

DAVID B. HOYT, MD, FACS,
Executive Director.

MARCH 21, 2012.

DEAR MEMBER OF CONGRESS: The undersigned organizations strongly support the Stearns/Matheson amendment to the Protecting Access to Healthcare Act (H.R. 5) and urge you to vote for the amendment when it is considered on the House floor.

The Stearns/Matheson amendment will provide liability protections to health professionals, including physicians, who volunteer to help victims of federally-declared disasters. The medical profession has a long history of stepping forward to assist disaster victims. Rapid medical response in a disaster can greatly decrease loss of life and improve outcomes for patients who desperately need care.

Thousands of health professionals volunteered in the aftermath of Hurricanes Katrina and Rita to help the hurricane victims with their medical needs. Unfortunately, much needed medical volunteers were turned away due to inconsistent Good Samaritan laws as well as confusion and uncertainty about the application of these laws. Sadly, this lack of uniformity has greatly hindered the ability of volunteer health professionals to provide care; and in many cases, health care providers could not provide these critical services, even if they wanted to, due to lack of liability protections.

The Stearns/Matheson amendment will help ensure that health professionals who volunteer their services in future disasters will not face similar uncertainties, thereby allowing them to focus on providing aid to victims. We urge a ''Yes'' vote on the Stearns/Matheson amendment.

Sincerely,

Advocates for EMS, American Association of Neurological Surgeons, American Association of Orthopaedic Surgeons, American College of Emergency Physicians, American College of Surgeons, American Medical Association, American Trauma Society, Congress of Neurological Surgeons, Orthopaedic Trauma Association, Physician Insurers Association of America, The Roundtable on Critical Care Policy, Trauma Center Association of America.

I reserve the balance of my time.

Mr. CONYERS. I rise in opposition to the Stearns amendment.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. CONYERS. Madam Chairman, the problem here is we don't have a problem. The 1997 law, which is called the Volunteer Protection Act, which I don't recall being mentioned, already provides immunity to all volunteers, not just doctors, to everybody, all volunteers, and has worked very effectively to ensure that nonprofit or government entities remain responsible for background checks.

I remind my colleagues of the Tenth Amendment to the Constitution, which is violated in H.R. 5, which preserves our system of federalism that allows States to legislate their own State tort laws and the qualifications of health care professions. What could be more simple than that?

This is one of the least debated provisions of our great Constitution. And so amendments that limit liability of health care professionals by our Congress and provide a virtual blanket immunity to any individual for any harm while acting in a volunteer capacity during a disaster violates the Tenth Amendment to the Constitution.

Madam Chairman, I reserve the balance of my time.

Mr. STEARNS. Madam Chairman, how much time do I have left on my side?

The Acting CHAIR. The gentleman from Florida has 2 minutes and 15 seconds remaining, and the gentleman from Michigan has 3 minutes remaining.

□ 1110

Mr. STEARNS. The one thing I would say to the gentleman, this is not unlimited. As I pointed out, there are provisions to allow for stipulations.

I yield 1 minute to the cosponsor on the Democrat side, Mr. MATHESON from Utah.

Mr. MATHESON. Madam Chair, I stand in strong support of this amendment, as I do to the underlying bill.

The amendment before us will provide much-needed liability protections to medical professionals to ensure that they are able to do what they are trained to do, which is save lives.

As Mr. STEARNS indicated, in the aftermath of Hurricane Katrina, it became clear that a uniformity of Good Samaritan laws is needed in this country. In several instances, qualified and certified physicians and other medical professionals from across the country were turned away from providing much-needed and critical care to victims of this disaster even when it was plainly apparent that the medical resources in the communities that were affected by the disaster were far beyond the capacity to provide adequate emergency care.

Yet doctors from Utah who volunteered to provide emergency care in situations such as this shouldn't fear unnecessary lawsuits and, above all else, should not be turned away due to uncertainty about liability protections.

I want to thank my friend and colleague, Mr. STEARNS, for his work and his partnership on this amendment. This commonsense measure to provide sensible protections to those Good Samaritans who volunteer their medical services to help those struck by disaster is an amendment we should all support. I urge colleagues on both sides of the aisle to support this bipartisan amendment.

Mr. CONYERS. Madam Chair, I raise a question to my good friend from Florida.

If you feel strongly about this, why don't we modify the Volunteer Protection Act of 1997 rather than go into the business of a constitutional violation by changing all of the State laws with this wholesale limitation of liability? Why not do it in a more appropriate way, which we would be bound to consider with you?

I yield to the gentleman if he cares to make a comment on that.

Mr. STEARNS. Mr. CONYERS, the point is this is a Federal disaster, and a Federal disaster like Katrina, in which the Federal Government is involved, you want to have a bill that's a Federal bill.

Mr. CONYERS. The Volunteer Protection Act, I say to my colleague from Florida, is a Federal bill enacted in 1997, and that's the one that I would urge you to want to join with me and others to modify if there is a problem.

What you're doing by Stearns-Matheson is that you are now changing the law in all 50 States without going through the Volunteer Protection Act over which we have jurisdiction. That's the reason that I urge my colleagues that there is no need to upend existing State laws to provide unnecessary immunity.

I reserve the balance of my time.

Mr. STEARNS. Madam Chairman, I'd just say that the 50 State laws are not allowing a physician to help. He has to mop the floors.

I yield 45 seconds to Mr. FRANKS from Arizona. He's chairman of the Constitution Subcommittee of the House Judiciary Committee.

Mr. FRANKS of Arizona. Madam Chair, I just rise in strong support of this very commonsense amendment by my friend, Mr. STEARNS from Florida.

This amendment is to provide liability protection to health care workers who volunteer to help in disaster response for their fellow human beings.

Madam Chair, rescue efforts often can be chaotic; and without the help of volunteers, government Agencies cannot always help everyone effectively. Many State tort laws, including those of Louisiana, the State hardest hit by Hurricane Katrina, are unclear in regards to who is covered under State Good Samaritan protections.

Madam Chair, this is a country of Good Samaritans. We should encourage our fellow human beings to help their fellow human beings and not offer impediments to them. I think this amendment does that, and I support it with the strongest conviction.

Mr. CONYERS. Madam Chair, that's what we're doing under the Volunteer Protection Act is protecting our volunteers, our good citizens that come forward.

Please, I would like to focus on the amendment here that provides a lesser degree of liability protection while allowing weaker State standards to remain in place.

What we need to do is to preserve our system of federalism and support the Volunteer Protection Act which is constitutional, which does not violate the prerogative of the States to manage and legislate on their own tort laws and determine the qualifications of health care professionals.

The Acting CHAIR. All time for debate has expired.

The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. STEARNS. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 112–416 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. WOODALL of Georgia.

Amendment No. 2 by Ms. BONAMICI of Oregon.

Amendment No. 6 by Mr. STEARNS of Florida.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. WOODALL

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. WOODALL) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 234, noes 173, answered ''present'' 2, not voting 22, as follows:

[Roll No. 122]

AYES—234

Adams	Broun (GA)	Culberson
Aderholt	Buchanan	Davis (KY)
Akin	Bucshon	Denham
Alexander	Buerkle	Dent
Amash	Burgess	DesJarlais
Amodei	Burton (IN)	Diaz-Balart
Bachmann	Calvert	Doggett
Barletta	Camp	Dreier
Bartlett	Canseco	Duffy
Barton (TX)	Cantor	Duncan (SC)
Bass (NH)	Capito	Duncan (TN)
Benishek	Carter	Ellmers
Berg	Cassidy	Emerson
Biggert	Chabot	Farenthold
Bilirakis	Coble	Fincher
Black	Coffman (CO)	Fitzpatrick
Blackburn	Cole	Flake
Blumenauer	Conaway	Fleischmann
Bonner	Costa	Fleming
Boustany	Cravaack	Flores
Brady (TX)	Crawford	Forbes
Braley (IA)	Crenshaw	Fortenberry
Brooks	Cuellar	Foxx

Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
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 (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
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
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Poe (TX)
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 (AR)
Ross (FL)
Royce
Runyan
Ruppersberger
Ryan (WI)
Scalise
Schilling
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sessions
Shimkus
Shuler
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—173

Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bilbray
Bishop (GA)
Bishop (NY)
Bonamici
Boren
Boswell
Brady (PA)
Butterfield
Campbell
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Critz
Crowley
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Dold
Donnelly (IN)
Doyle
Edwards
Ellison
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
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 (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
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
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
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''—2

Griffith (VA)
Sensenbrenner

NOT VOTING—22

Ackerman
Austria
Bachus
Bishop (UT)
Bono Mack
Brown (FL)
Chaffetz
Davis (IL)
Engel
Gonzalez
Jackson (IL)
Kinzinger (IL)
Lee (CA)
Lowey
Manzullo
Marchant
Marino
McIntyre
Paul
Platts
Rangel
Thompson (MS)

□ 1145

Messrs. BRADY of Pennsylvania, BARROW, GEORGE MILLER of California, BERMAN, KEATING, BUTTERFIELD, NADLER, and TONKO changed their vote from ''aye'' to ''no.''

Mr. PETRI, Mrs. CAPITO, Messrs. HUELSKAMP, HERGER, Mrs. LUMMIS, and Mr. YODER changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MS. BONAMICI

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Oregon (Ms. BONAMICI) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 179, noes 228, answered ''present'' 1, not voting 23, as follows:

[Roll No. 123]

AYES—179

Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
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
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fudge
Garamendi
Gibson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Harper
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHenry
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)
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
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—228

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Bachmann
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
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
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
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
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
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

Poe (TX)
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
Schweikert
Scott (SC)
Scott, Austin
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)

ANSWERED ''PRESENT''—1

Sensenbrenner

NOT VOTING—23

Ackerman
Austria
Bachus
Bishop (UT)
Bono Mack
Brown (FL)
Chaffetz
Davis (IL)
Frank (MA)
Gonzalez
Jackson (IL)
Kinzinger (IL)
Lee (CA)
Lowey
Manzullo
Marchant
Marino
McIntyre
Paul
Platts
Rangel
Terry
Thompson (MS)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1150

Messrs. JOHNSON of Georgia and WALZ of Minnesota changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. STEARNS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 251, noes 157, answered ''present'' 1, not voting 22, as follows:

[Roll No. 124]

AYES—251

Adams
Aderholt
Akin
Alexander
Amodei
Bachmann
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Berkley
Biggert
Bilbray
Bilirakis
Black
Blackburn
Bonner
Boren
Boustany
Brady (TX)
Brooks
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carson (IN)
Carter
Cassidy
Chabot
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Costa
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hochul
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
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Mack
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Perlmutter
Petri
Pitts
Platts
Polis
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ruppersberger
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sessions
Shimkus
Shuler
Shuster
Simpson
Slaughter
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—157

Altmire
Amash
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Broun (GA)
Capps
Capuano
Carnahan
Carney
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Critz
Crowley
Cummings
Davis (CA)
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Filner
Fudge
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larson (CT)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Luján
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Peters
Peterson
Pingree (ME)
Poe (TX)
Price (NC)
Quigley
Rahall
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Smith (WA)
Speier
Stark
Sutton
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

Sensenbrenner

NOT VOTING—22

Ackerman
Austria
Bachus
Bishop (UT)
Bono Mack
Brown (FL)
Chaffetz
Davis (IL)
Gohmert
Gonzalez
Jackson (IL)
Kinzinger (IL)
Lee (CA)
Lowey
Manzullo
Marchant
Marino
McIntyre
Paul
Rangel
Terry
Thompson (MS)

□ 1156

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. KINZINGER of Illinois. Madam Chair, on March 22, 2012, I was unavoidably detained because fog delayed my return flight from Illinois and I was unable to cast a vote on H.R. 5, the Protecting Access to Healthcare Act. Had I been able to I would have cast an ''aye'' vote in favor of final passage of this legislation. I would also have cast an ''aye'' vote in favor of Amendment No. 1 by Representative WOODALL; a ''no'' vote against Amendment No. 2 by Representative BONAMICI; and an ''aye'' vote in favor of Amendment No. 6 by Representative STEARNS.

The Acting CHAIR. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. YODER) having assumed the chair, Mrs. MILLER of Michigan, 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, and, pursuant to House Resolution 591, she reported the bill, as amended by that resolution, back to the House with sundry further amendments adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any further amendment reported from the

Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. LOEBSACK. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. LOEBSACK. I am opposed, in its current form.

The SPEAKER pro tempore. The Clerk will designate the motion to recommit.

The Clerk read as follows:

Mr. Loebsack moves to recommit the bill H.R. 5 to the Committees on Ways and Means and Energy and Commerce with instructions to report the same to the House forthwith with the following amendment:

Add at the end the following new section:

SEC. 203. PROHIBITING ELIMINATION OF MEDICARE PROGRAM AND INCREASED COSTS OR REDUCED BENEFITS TO SENIORS AND PEOPLE WITH DISABILITIES.

(a) The repeal of section 1899A of the Social Security (42 U.S.C. 1395kkk) pursuant to section 202 of this Act shall not, with respect to the Medicare program under title XVIII of the Social Security Act, be construed as furthering or promoting any of the following:

(1) Eliminating guaranteed health insurance benefits for seniors or people with disabilities under such program.

(2) Establishing a Medicare voucher plan that provides limited payments to seniors or people with disabilities to purchase health care in the private health insurance market or otherwise increasing Medicare beneficiary costs.

(b) The repeal of section 1899A(c)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1395kkk(c)(2)(A)(ii)) pursuant to section 202 of this Act shall not, with respect to seniors or people with disabilities, be construed as providing for or promoting any of the following:

(1) Rationing health care.

(2) Raising revenues or premiums for seniors or people with disabilities under section 1818 of the Social Security Act, section 1818A of such Act, or section 1839A of such Act.

(3) Increasing cost-sharing (including deductibles, coinsurance, and copayments) under the Medicare program for seniors or people with disabilities.

(4) Otherwise restricting benefits or modifying eligibility criteria under such program for seniors or people with disabilities.

Mr. ROE of Tennessee (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading of the motion.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Iowa is recognized for 5 minutes.

Mr. LOEBSACK. Mr. Speaker, while I oppose the underlying bill, I'm offering this final amendment on a topic that I know is important to all of us here in this Chamber: our Nation's seniors. I grew up in poverty, and my grandmother took care of my siblings and me during my childhood. She relied on Social Security survivor benefits to put food on the table, and because of her, I know firsthand how important programs like Social Security and Medicare are to our seniors. In my grandmother's case, it meant the difference between putting food on the table and my family going hungry.

□ 1200

Before these historic programs were enacted, far too many seniors struggled just to meet their basic needs, let alone access the appropriate medical care to keep them safe and healthy. These important safety net programs have been incredibly successful as well in lowering senior poverty rates in America.

Just like my grandmother, today's seniors made sacrifices big and small to pave the way for a better life for future generations. Our country is what it is today because of them. That is why I believe that seniors who worked hard all of their lives should have access to the best medical care available. We need to care for them just like they cared for us.

If my colleagues join me in passing this amendment, it will be incorporated into the bill and the bill will be immediately voted on. It would ensure that the underlying bill does not eliminate guaranteed health insurance benefits for seniors or people with disabilities on Medicare. It would also ensure that the underlying bill does not lead to a voucher system, ration health care, raise premiums and copayments, or otherwise restrict Medicare benefits.

I recently held senior listening sessions around my district in Iowa. When I talk to Iowa seniors, I hear far too often that many of them are struggling just to make ends meet. That is unacceptable. No hardworking American should ever have to retire into poverty, and they certainly shouldn't see their hard-earned savings wiped out because of medical bills.

During my listening sessions, I heard time and again from seniors about how much they rely on Medicare in order to stay healthy and stay afloat financially. Seniors' medical and prescription drug costs already eat up a growing portion of their income, and many of them are stretched thin even without rising gas prices, utility costs, and an economic downturn that has hit savings hard. They pay attention to what is happening here in Washington—we should all be reminded of that—and they're upset about proposals to cut and weaken Medicare.

Our seniors did not get us into the fiscal mess that we're in today in the first place, and I think it's unfair to punish them for Washington's irresponsible behavior. They cannot and they should not bear more of this burden. Unfortunately, the Republican plan for Medicare would force seniors to do just that. It would end the Medicare guarantee, replacing it with a voucher system. The voucher would not keep up with health care inflation, and it would force seniors to pay more and more of their health care costs out of pocket.

In these tough economic times, we need to find ways to be more efficient while maintaining quality of care. There are ways to do that, such as moving Medicare from a fee-based to a value-based payment system, something that I have supported all along since I've been in this Congress. However, the Republican plan for Medicare ignores these options and, instead, undermines traditional Medicare while doing nothing to reduce health care costs. This would shift costs to beneficiaries.

For low-income seniors like my grandmother was, enacting this plan could be disastrous. That is why my final amendment would ask the Members of this Chamber simply to uphold their commitment to America's seniors.

From my listening sessions, I know that seniors don't want a voucher that forces them to buy insurance in the private market. They don't want higher costs or reduced benefits, and they don't want some newfangled program. They want to keep Medicare the way it is: a guaranteed benefit they can count on when they need it.

Seniors in my district and across the country know we have big problems, but we can strengthen and preserve Medicare without ending the guarantee—a guarantee, by the way, that is neither Republican nor Democratic, but it's an American guarantee. I think we all need to keep that in mind and remember that.

Mr. Speaker, I urge all of my colleagues in the House to join me in voting for this final amendment to preserve and to strengthen the most successful health insurance program our Nation has ever created, namely, Medicare.

Our grandparents have stood by us, folks; I think it's time that we stand by them.

I yield back the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I rise in opposition to the motion to recommit and strongly support H.R. 5.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. ROE of Tennessee. Mr. Speaker, 2½ years ago in this body, we debated the Affordable Care Act, and I remember being part of that debate here on the House floor. Part of that debate was to increase access for American citizens and to maintain the physician-patient relationship.

I have a letter here that was signed by 75 of us, both Democrats and Republicans, opposing, in part, because in the House version of the Affordable Care Act the Independent Payment Advisory Board was not there.

This bill is very simple. H.R. 5 is to repeal the Independent Payment Advisory Board and to vote for malpractice reform, a very simple bill, one that should be easy to support. Let's just discuss and see what occurred.

Based on the Independent Payment Advisory Board—most seniors don't

know about this—after the $500 billion has been taken out to pay for a new benefit. The Independent Payment Advisory Board are 15 unelected bureaucrats, appointed by the President and approved by the Senate to oversee Medicare spending.

Why does this bring angst to a physician? I practiced medicine for 31 years in Tennessee. My concern is I've already seen two examples of this, and this will be the third.

The first is a sustainable growth rate, a formula based on how to pay doctors in Medicare. This was established in 1997. Each year—almost every year since then—the Congress has had the ability to change this because, why? We were afraid if reimbursements to physicians were cut, access to our patients would be denied.

Let's look at what's going on right now.

Two weeks ago in this body, we extended the SGR for 10 months, preventing a 27 percent cut to physicians. Well, as a doctor, what would this mean for me in providing care for my patients? Well, what this would mean is you couldn't afford to see the patients. With IPAB, a formula based on spending, not quality or access, what would happen, I believe, is that this would occur, this 27 percent—at the end of this year, a 31 percent cut, which would be catastrophic for our Medicare patients.

So it's a very simple bill. We don't want Washington-based bureaucrats getting in between the physician-patient relationship. Medical decisions should be made between not an insurance company, and certainly not 15 unelected bureaucrats in Washington. It should be made between a patient, the doctor, and that family.

The second part of this bill, very simply, is medical-legal malpractice reform.

When I began my medical practice in Tennessee, my malpractice premiums were $4,000 a year. When I left 4 years ago to come to Congress, $74,000 a year. During that time, from 1975 until I left to come here, there's basically one insurance company in Tennessee, and over half the premium dollars that were paid during that time went to attorneys, not to the injured party. Less than 40 cents of the malpractice premium dollar in that State have gone to people who have actually been injured. It's a very bad system.

The tort system we have for medical liability now is a very bad system. It needs to be reformed. No one has ever argued about paying actual damages. No one has ever argued about paying medical bills. It's the unintended consequences of this bill that have run the cost up at no value to patients.

I strongly encourage my colleagues to support this bipartisan bill, and I yield back the balance of my time.

CONGRESS OF THE UNITED STATES,
Washington, DC, December 17, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Capitol Building, Washington, DC.

DEAR MADAM SPEAKER: In July, 75 members of the U.S. House of Representatives wrote to express strong opposition to proposals, such as the ''Independent Medicare Advisory Council (IMAC) Act of 2009'' and the ''Medicare Payment Advisory Commission (MedPAC) Reform Act of 2009'' (H.R. 2718, S. 1110, S. 1380), that would divest Congress of its authority for Medicare payment policy and place this responsibility in an executive branch commission or board. This letter clearly stated opposition to the inclusion of these or any other similar proposals in health reform or any other legislation, but with recent developments, we, the undersigned members, believe it is imperative to restate our strong opposition to any proposal or legislation that would place authority for Medicare payment policy in an unelected, executive branch commission or board.

Consistent with the July letter, on November 7, 2009, the House passed the ''Affordable Health Care for America Act'' (H.R. 3962) did not include provisions to create an unelected Medicare board. Yet, at present, the Senate is considering the ''Patient Protection and Affordable Care Act of 2009,'' which includes provisions to create an ''Independent Medicare Advisory Board'' (IMAB) that would effectively end Congress's authority over Medicare payment policy.

To create an unelected, unaccountable Medicare commission as envisioned in the Senate's IMAB proposal would end Congress's ability to shape Medicare to provide the best policies for beneficiaries in our communities around the country. Through the legislative process, and from Medicare's beginning, Members have been able to represent the needs of their communities by improving benefits for seniors and the disabled, affecting policies that fill the health care workforce pipeline, and ensuring that hospitals are equipped to care for diverse populations across our individual districts. Such a responsibility is one that is not taken, nor should be given away, lightly.

These proposals would severely limit Congressional oversight of the Medicare program, and to place this authority within the executive branch, without Congressional oversight or judicial review, would eliminate the transparency of Congressional hearings and debate. Without the open and transparent legislative process, Medicare beneficiaries and the range of providers who care for them would be greatly limited in their ability to help develop and implement new policies that improve the health care of our nation's seniors. An executive branch Medicare board would also effectively eliminate Congress's ability to work with the Centers for Medicare and Medicaid Services to create and implement demonstration and pilot projects designed to evaluate new and advanced policies such as home care for the elderly, the patient-centered medical home, new less invasive surgical procedures, collaborative efforts between hospitals and physicians, and programs designed to eliminate fraud and abuse.

The creation of a Medicare board would also effectively eliminate state and community input into the Medicare program, removing the ability to develop and implement policies expressly applicable to different patient populations. Instead, national policies that would flow from such a board would ignore the significant differences and health care needs of states and communities. Geographic and demographic variances that exist in our nation's health care system and patient populations would be dangerously disregarded. Furthermore, all providers in all states would be required to comply even if these policies were detrimental to the patients they serve. Such a commission could not only threaten the ability of Medicare beneficiaries, but of all Americans, to access the care they need.

Finally, as the people's elected representatives, we much oppose any proposal to create a board that would surrender our legislative authority and responsibility for the Medicare program to unelected, unaccountable officials within the very same branch of government that is charged with implementing the Medicare policies that affect so many Americans. Therefore, we must strongly oppose the creation of IMAB, IMAC, a reconstituted MedPac or any Medicare board or commission that would undermine our ability to represent the needs of the seniors and disabled in our own communities. Again, we urge you to reject the inclusion of these or any like proposal in health reform or any other legislation.

Sincerely,

Richard E. Neal; Mary Bono Mack; Patrick J. Tiberi; Phil Gingrey; Marsha Blackburn; Joe Courtney; Stephen F. Lynch; Michael C. Burgess; John Lewis; Jerry McNerney; James P. McGovern; G. K. Butterfield; Bill Cassidy; Jim McDermott; John W. Olver; Doris O. Matsui; Fortney Pete Stark; Timothy H. Bishop; Allyson Y. Schwartz; Shelley Berkley.

David P. Roe; Brett Guthrie; Mike Rogers; Henry C. ''Hank'' Johnson, Jr.; Linda T. Sánchez; Eric J. J. Massa; Michael E. Capuano; Donna M. Christensen; Susan A. Davis; Daniel Maffei; Michael M. Honda; Laura Richardson; John Hall; Sam Farr; John Fleming; Yvette D. Clarke; Kendrick B. Meek; Alan Grayson; Mike Thompson; Edward J. Markey.

Eliot L. Engel; Gary L. Ackerman; John F. Tierney; Edolphus Towns; Carolyn B. Maloney; Nita M. Lowey; Donald M. Payne; Gregory W. Meeks; Lynn C. Woolsey; Ken Calvert; Bob Filner; Pete Sessions; Steve Buyer; Jerrold Nadler; Dana Rohrabacher; Brian P. Bilbray; Gene Green; Barney Frank; Wm. Lacy Clay; Maurice D. Hinchey.

William D. Delahunt; Bill Pascrell, Jr.; Steve Kagen; Steve Israel; Joseph Crowley; Ginny Brown-Waite.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered, and approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—ayes 180, noes 229, answered ''present'' 2, not voting 20, as follows:

[Roll No. 125]

AYES—180

Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
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
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
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 (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Luján
Lynch
Maloney
Markey
Matheson
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
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
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—229

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Bachmann
Barletta
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Black
Blackburn
Bonner
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 (IL)
Johnson (OH)
Johnson, Sam
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
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
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
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
Schweikert
Scott (SC)
Scott, Austin
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
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)

ANSWERED ''PRESENT''—2

Bartlett
Sensenbrenner

NOT VOTING—20

Ackerman
Austria
Bachus
Bishop (UT)
Bono Mack
Brown (FL)
Chaffetz
Davis (IL)
Gonzalez
Jackson (IL)
Kinzinger (IL)
Lee (CA)
Lowey
Manzullo
Marchant
Marino
McIntyre
Paul
Rangel
Thompson (MS)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1229

Messrs. CARNEY and BECERRA changed their vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 223, noes 181, answered ''present'' 4, not voting 23, as follows:

[Roll No. 126]

AYES—223

Adams
Aderholt
Akin
Alexander
Amodei
Bachmann
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Black
Blackburn
Bonner
Boren
Boustany
Brady (TX)
Brooks
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duncan (SC)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Gerlach
Gibbs
Gibson
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hochul
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (NY)
Kingston
Kissell
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
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Pompeo
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
Schweikert
Scott (SC)
Scott, Austin
Scott, David
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)
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—181

Altmire
Amash
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
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
Garrett
Gohmert
Green, Al
Green, Gene
Griffith (VA)
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono

Holden
Holt
Honda
Hoyer
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
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
Posey
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)
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
Webster
Welch
Wilson (FL)
Woolsey
Yarmuth

ANSWERED ''PRESENT''—4

Broun (GA)
King (IA)
Sensenbrenner
Woodall

NOT VOTING—23

Ackerman
Austria
Bachus
Bishop (UT)
Bono Mack
Brown (FL)
Castor (FL)
Chaffetz
Davis (IL)
Duffy
Gonzalez
Gutierrez
Jackson (IL)
Kinzinger (IL)
Lee (CA)
Lowey
Manzullo
Marchant
Marino
McIntyre
Paul
Rangel
Thompson (MS)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1236

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. DUFFY. Mr. Speaker, on rollcall No. 126, I was unavoidably detained. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Ms. LEE of California. Mr. Speaker, I was not present for rollcall votes 122–126. Had I been present, I would have voted "no" on No. 122, "yes" on No. 123, "no" on No. 124, "yes" on No. 125, and "no" on No. 126.

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.

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

□ 1240

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I am pleased to yield to my friend from Virginia (Mr. CANTOR), the majority leader, for the purpose of inquiring of the schedule for the week to come.

Mr. CANTOR. I thank the gentleman from Maryland, the Democratic whip, for yielding.

Mr. Speaker, on Monday, the House will meet at noon for morning-hour and 2 p.m. for legislative business. Votes will be postponed until 6:30 p.m. On Tuesday and Wednesday, the House will meet at 10 a.m. for morning-hour and noon for legislative business. On Thursday, the House will meet at 9 a.m. for legislative business, and the last votes of the week are expected no later than 3 p.m. No votes are expected in the House on Friday.

Mr. Speaker, the House will consider a few bills under suspension of the rules, which will be announced by the close of business tomorrow. The House will also consider H.R. 3309, the Federal Communications Commission Process Reform Act, offered by Congressman GREG WALDEN of Oregon. And for the second year in a row, the House will consider and pass a budget resolution. Mr. Speaker, we also expect to take further action on our Nation's infrastructure, with authority expiring at the end of next week. Finally, I am hopeful that the Senate will clear the House's bipartisan JOBS Act today. This bill has been delayed too long, but I look forward to the President signing it into law.

I thank the gentleman from Maryland, and I yield back.

Mr. HOYER. I thank the gentleman for his information with respect to the legislation that is going to be considered next week.

I would note that he talks about the highway bill, the infrastructure bill that is pending. Obviously, we had expected to consider that bill on the House floor. On our side, at least, our expectation was that it was going to be considered a number of weeks ago. It has not come to the floor here. As I understand it, we are now talking about an extension of some period of time. We are concerned that you rightfully, personally and as a party, made it very clear that certainty was an important aspect of growing our economy. That's a proposition on which I agree. I think you are absolutely right. I think that we need to create certainty and, clearly, we need to create jobs.

I said this morning, Mr. Leader, to the press—and I'm sure you get it as well—that the public says to me: When are you guys going to start working together? When are you going to get something done in a bipartisan way?

The Senate has done that, I will say to my friend. The Senate has done it in an overwhelming fashion. They had 74—it would have been 75, but Mr. LAUTENBERG was absent but was for the bill. So 75 percent of the Senate, three-quarters of the Senate voted for what was a very bipartisan bill. And, as a matter of fact, half the Senate Republicans essentially voted for that bill.

As you know, it had a technical flaw in the bill in that it had revenues which need to be initiated in the House of Representatives. Representative TIM BISHOP of New York has introduced the Senate bill, which has overwhelming support in the United States Senate and, very frankly, in my view, would have at least 218 votes in this House if it were put on the floor.

The Speaker has said in the past that he is committed to letting the House work its will, obviously referring to the open amendments process. But if a bill doesn't come to the floor, we have no opportunity either to amend or to vote. That's been one of our problems, of course, with the jobs bill that the President proposed that we had hoped would have been brought to the floor which has not been to the floor.

But I ask my friend, rather than continue to delay—and both sides have done that on the highway bill—to give that confidence, of which you have spoken and others on your side of the aisle have spoken I think absolutely correctly, in order to give the confidence that we can, in fact, act, that we can work in a bipartisan fashion, I would ask my friend whether or not he, as the majority leader, would be prepared to bring the Bishop bill to the floor, which, again, is the Senate bill, supported by 75 Members of the United States Senate, half of the Republican caucus in the Senate, and which will give some degree of certainty for a highway program which clearly is also a jobs bill and will have an impact on almost 2 million jobs and maybe another million jobs along the way.

We think that's the way that would be good for our country to proceed, and it would send a message—because I think it would get bipartisan support if you brought it to the floor—that it would send a good message to the country that, yes, from time to time, we can work together. And, very frankly, Mr. Leader, if we did that, it would be consistent with every transportation bill that we have passed since 1956 under Dwight Eisenhower, where we worked together in a bipartisan fashion. This is the first time that I have experienced a partisan divide—I mean, people have had differences of opinion, but a partisan divide on the highway bill.

As you know, Senator BOXER and Senator INHOFE came together to agree. I think that's a pretty broad ideological spectrum of the United States Senate. They came together, they agreed, and they led the effort to pass that bipartisan bill.

I would very much hope that, Mr. Majority Leader, that you could bring that bill to the floor and see whether or not, in fact, it could pass. I think that would be good for the country.

And I yield to my friend for his comments.

Mr. CANTOR. I thank the gentleman.

And I would respond by saying to him that, no, I'm not prepared to bring that bill to the floor because I differ with him in his assumption that there would be enough bipartisan support to pass that bill in the House. And from all that I know about what's in the Senate bill, there is a lot of disagreement over how that bill was constructed, as far as House Members are concerned.

I would say to the gentleman, our plan is very clear. We have been outspoken on this. We do not want to disrupt the flow of Federal transportation dollars, which is why we will be bringing to the floor next week a bill to provide for an extension of 90 days so that perhaps, as the gentleman would like, as would I, we could come together as two bodies and two parties on an agreement to provide more certainty.

But as to the gentleman's suggestion that we need to be doing this to be consistent with what has been done historically, I would say to the gentleman, he knows, as well as I, that we are in very, very difficult economic times. We have never faced the kind of problems that we face today as a country, from a fiscal standpoint. Unfortunately, transportation funding is no different. We're just out of money. So we're trying to take the approach that most American families and businesses would take, that is, to try to spend within our means, to come up with some innovative ways to look at transportation needs and demands in the future and our being able to meet them, and we look forward to working with the gentleman in a bipartisan fashion to try to effect that end.

Mr. HOYER. I thank the gentleman for his comments. But I will say again to the gentleman, we've been down this path before. We've been down this path before where the Senate was able to reach a bipartisan agreement on legislation very important to jobs, to the economy, and to the confidence of America.

□ 1250

That bipartisan piece of legislation would have enjoyed the support, I think, of certainly the overwhelming majority, almost the unanimous support on our side on a bipartisan agreement. I don't mean a Democratic proposal from the Senate, but a bipartisan agreement that came from the Senate. That dealt, of course, with payroll taxes and extending those, and ultimately we did that. We took that bill.

But I would say to my friend that the Speaker indicated he wanted a bill on this floor. I've been asking you for approximately a month now if it was going to come to the floor. That bill hasn't come to the floor. We all know it hasn't come to the floor because there's very substantial disagreement within your party about that bill. The papers report that. Everybody talks about it. We understand that.

I say to my friend that he and I do have a disagreement. I think it would enjoy bipartisan support on this floor if you brought the Bishop bill, the Senate bipartisan bill, to the floor. But the only way we're really going to be able to find that out—it's not by me saying, I think it would and you saying, I think it wouldn't. There's a very easy way to see whether it would, and that is to bring it to the floor next week.

I don't think there is anybody, hopefully, that wants to disrupt and have literally hundreds of thousands of people thrown out of work or not have opportunities for work. We know the construction trades in particular have been very badly hit by the lack of construction that's going on.

You can have your opinion and I can have my opinion, but there is a way to determine whether or not, in fact, we can get bipartisan agreement; and that is, as I said, and as the Speaker has indicated, let the House work its will. The only way the House can work its will—having been majority leader—is for the majority leader to bring the legislation to the floor for a vote. Then you may be right, I may be right, but we will know and it won't have to be speculation. We will know.

If I'm right and we do pass that bill, then next week, before March 31, before the expiration of the current highway authorization, we can send a bill to the President of the United States, and he will sign the Senate bill. We don't know that he will sign a bill that's still languishing in your committee because we haven't seen the final parameters of that bill because it is obviously pretty controversial on your side of the aisle.

Again, if you want certainty, we have an opportunity for certainty. We have an opportunity with a bipartisan bill that the Senate has passed. I don't know why we're rejecting that bipartisanship. The gentleman says, well, this is a unique economic time. He's right. It seems to me that's a greater argument for trying to embrace a bipartisan agreement and move forward with giving certainty to the construction industry, to States, to municipalities, and to counties on what is going to be available to them to plan and to pursue infrastructure projects critical to commerce and to their communities.

I regret that the gentleman has indicated that's not an option that he will consider, but a short-term extension seems to be the continuation of uncertainty, not the allaying of uncertainty. I don't know whether the gentleman wants to make another comment on that or not.

Mr. CANTOR. Mr. Speaker, I would just say to the gentleman, I guess we are going to agree to disagree. We're dealing with the reality that we don't have the money, and we're trying to fashion a path forward that both sides can agree upon.

Obviously, we cannot agree upon that next week with all the differences that still exist, which is why we're creating the construct of a 90-day extension, which then gives us the possibility to get into conference with the Senate to try and produce a longer-term transportation funding bill.

Mr. HOYER. Well, I won't pursue it any further, Mr. Leader, but you've been unable to get agreement within your party on this side of the Capitol for well over a month. I hope you can get there. I would hope you would get there in a bipartisan fashion so that Mr. RAHALL and Mr. MICA could agree on a bill, which has been my experience in the 31 years I've been here. It's not my experience this year. That hasn't happened. But almost invariably—and I think for the years you've been here, you've experienced that as well.

Let me ask you now with respect to the budget. Do you expect the budget to come to the floor? You indicated that. If so, would that be Wednesday?

Mr. CANTOR. Mr. Speaker, the gentleman is correct. We will be beginning debate on the budget Wednesday and likely concluding that debate and vote on Thursday.

Mr. HOYER. Normally, as you know, we've had alternatives made in order. We, of course, want to make in order an amendment which will guarantee that Medicare will be available to our seniors and that we will not decimate Medicaid, which we think is appropriate for our seniors. We also want to make sure that we have revenues that can sustain health care for seniors, education for kids, help for our communities.

Will the gentleman be able to tell me whether or not, in fact, alternatives will be made in order by the Rules Committee that would be offered either by the minority ranking member of the committee and/or others as historically has been the case?

Mr. CANTOR. Mr. Speaker, I would say to the gentleman, yes, we expect that to be the case. Obviously, I disagree with his characterization of our budget. We are, in fact, saving the Medicare program in a bipartisan fashion.

Mr. HOYER. Was there a bipartisan vote in the committee on that? I thought it was a totally partisan vote in the committee. Was I incorrect?

Mr. CANTOR. Mr. Speaker, I would say to the gentleman that the gentleman knows very well what I refer to, that the disproportionate cause of our deficit has to do with health care entitlements. And actually, as the gentleman knows, last year and this year we are proposing a solution, a plan, that does not resolve the issue overnight, but it puts us on a path towards balancing the budget.

This year, our budget chairman has worked together with the Senator from Oregon on the gentleman's side of the aisle in the Senate to propose a solution that responds to some of the complaints about the path that was taken

before. Again, it is a bipartisan solution. It is a plan to save Medicare. Unlike the gentleman's party or his President, we are actually proposing a solution to the problem and saving the program for this generation and the next.

Again, I'm sure the gentleman disagrees with my characterization and I with his. But to answer his question, to get back on track as far as the schedule and the fashion in which these bills are going to be brought to the floor, yes, consistent with precedent, we will be allowing full substitutes to be offered on both sides of the aisle.

Mr. HOYER. I thank the gentleman for his comment.

The last thing I would ask the gentleman: Am I correct that the agreement that was reached between our parties, which led to the passage of the Budget Control Act in a bipartisan fashion, does not reflect the substance of that agreement as it relates to the discretionary spending number for fiscal year 2013? Senator MCCONNELL is quoted, as you know, as saying that that was an agreement that was reached and that he expected it to be pursued.

I want to make it clear that he was not referring to the action of the Budget Committee, but he was referring to the agreement on the discretionary number.

Am I correct that the agreement that was reached, in order to get a bipartisan vote on the Budget Control Act, which we passed, which made sure that this country did not default on its debts for the first time in history, am I correct that that number is not the number that is reflected in the budget?

I yield to my friend.

Mr. CANTOR. Mr. Speaker, I respond to the gentleman by saying it is our view that the agreement reached in August at the top line was that, a cap. We all know we've got to do something about spending in this country, and the top line, or 302(a), within our budget resolution will reflect that top line provided in the budget resolution for the second year of the budget that we posed last year.

□ 1300

Again, we view it very much that we need to continue to try—at least try—to save taxpayer dollars when we are generating over $1 trillion of deficits every year, and I think the taxpayers expect no less.

Mr. HOYER. I thank the gentleman for his comments, but I will tell the gentleman that if we're going to have negotiations, and we have one number and you have another number, and we agree on a number, and then we pass a bill which reflects that number, put it in law—it doesn't say it's a cap; it says that will be the number. As we pass the budget, we said that will be the number. Now this is the law. And as was observed by others on the other side of the Capitol, but I will observe it here as well, if we're going to have those kinds of negotiations, it's sort of like the guy who comes up to you and says, look, I've got something to sell you, do you want to buy it? And you say, yes, let's negotiate on price. And you come to a price of $100. And then you come to settle, and the guy says, well, that was my top number. I'm going to give you $92 for that item. You don't have a meeting of the minds as a contract requires.

Very frankly, nobody on our side, and frankly I don't think anybody on your side that negotiated the deal—I don't mean that didn't vote for it—and as a matter of fact, I know for a fact the Speaker, and I believe yourself, have been quoted that that was the number and we ought to stick with it. Clearly, Mr. ROGERS believes that's the number that was agreed to.

Now, we're not going to be able to agree on things if all of a sudden it becomes, well, that was a notional thing that we did, not an agreement. A lot of our people voted on that to make sure, A, we didn't go into default as a country, and, B, that was not the number we wanted. It clearly was not the number your side wanted. But it was a number we agreed upon. And it seems to me that if we're going to try to keep faith with one another and with the law that we passed that we should stick with what we agreed to.

I understand that we want to bring the budget deficit down. As a matter of fact, on this side of the aisle, I've made those comments, and I've been criticized by some on my side, as you well know. Yes, we do need to get a handle on the budget. We're going to have a real debate on the deficit and debt, and I've been working very hard on that. We're going to have a debate, a fulsome debate, hopefully, on whether or not your budget does that. We've had disagreements all the years I've been here on that, and performance has not reflected, from my standpoint, that the representations made have always worked out, perhaps on either side.

But I regret, I regret deeply, Mr. Majority Leader, that we've reached an agreement, and based upon that agreement, this House took an action, it took a bipartisan action, and it passed a piece of legislation that was critically important to make sure that America did not go into default. And now we see 7 months later, crossed fingers, well, we really didn't mean that, it was a cap. Nobody on our side—there was no mention in the law nor was there any mention in the negotiations that that was a cap, not a number.

Unless the gentleman wants to say something further, I yield to my friend.

Mr. CANTOR. Mr. Speaker, I'd just say to the gentleman this is somewhat of an academic discussion given that the Senate is not going to pass a budget. And I remind the gentleman, again, it takes two Houses to go and reconcile a budget, and it takes two Houses and two parties to actually go forward. So we look forward to working with the gentleman. I told him it is our belief that we need to respond to the urgency of the fiscal crisis and do everything we can to bring down the level of spending in this town. I look forward to working with the gentleman towards that end.

Mr. HOYER. I look forward to next week debating how we bring that deficit down, and I yield back the balance of my time.

ADJOURNMENT TO MONDAY, MARCH 27, 2012

Mr. CANTOR. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next for morning-hour debate and 2 p.m. for legislative business.

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

There was no objection.

REPEAL IPAB

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

Mrs. BIGGERT. Mr. Speaker, I support H.R. 5, the legislation to repeal the Independent Payment Advisory Board, or IPAB. As we've heard, this unelected board of 15 was created under the administration's health overhaul to take critical decisions on Medicare spending and hide them under a bureaucratic veil. As a result, it has the power to step between seniors and their doctors with no accountability.

Even Medicare's Chief Actuary indicated that the payment reductions required of IPAB are unrealistic and could drive doctors out of Medicare and limit seniors' access to care. That's hardly an answer to rising costs.

Today's legislation repeals IPAB and reduces costs through bipartisan medical liability reform. This commonsense reform curbs junk lawsuits and stops forcing doctors to practice costly, defensive medicine. This important bill eliminates IPAB and protects health care for America's seniors. I'm really glad that it has passed this House, and I hope that the Senate will take it up.

JUSTICE FOR TRAYVON MARTIN

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

Ms. WILSON of Florida. Mr. Speaker, yesterday I promised that every day I would come to the floor of this House and announce to America just how long justice for Trayvon Martin has been delayed. As of today, Trayvon Martin was murdered 26 days ago, and still there has been no arrest. There has been no arrest, and everyone is suffering. His parents are suffering, his classmates are suffering, and his whole Miami community is suffering.

A psychologist once described to me what it feels like to lose a child. She

says it is as if someone cuts your chest open, rips out your heart, throws it on the ground, stomps on it, picks it up, places it back in your chest, and then sews you back up. She said the parents carry that pain inside of their heart forever.

So, today, this is for Sybrina and Tracy, Trayvon's parents. As they fight for justice, I stand with them. We demand justice for Trayvon. We demand justice for all murdered children. Stay strong, Sybrina and Tracy, stay strong. I'll be with you at the rally this evening just as soon as votes here are done. Keep one hand in God's hand, and stay strong, my friends, stay strong.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

REMEMBERING NORTH CAROLINA STATE SENATOR JIM FORRESTER

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

Ms. FOXX. Mr. Speaker, I rise today in remembrance of a friend, former colleague and public servant, North Carolina State senator Dr. Jim Forrester.

Jim was a lifelong public servant. He was a brigadier general with the U.S. Air Force and the North Carolina Air National Guard. He served as a flight surgeon during the Vietnam War.

He was a small town doctor and community leader. He and his wife of 51 years, Mary Frances Forrester, shared the values that made our country great, were committed to the community, and worked tirelessly for the betterment of their city and State. Together they sold Bibles to pay for his education at Wake Forest Medical School. He made time from his successful practice and family to serve on the Gaston County Board of Commissioners in 1982 before being elected to the State senate, where he served 11 terms.

Today we pay tribute to his life and service. My heart goes out to Mary Frances, his three daughters and son, and his eight grandchildren. May God's peace be with them and the many people who mourn his death and celebrate his life of service.

IN RECOGNITION OF DR. BYUNG WOOK YOON AND NATIONAL KOREAN AMERICAN DAY

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

Ms. WATERS. Mr. Speaker, I rise today in honor of Korean American Day. I would like to recognize the 109th anniversary of the first Korean immigrants to arrive in the United States and the achievements of the Korean American responsible for bringing both this day and the importance of the contributions of Korean Americans to light, Dr. Byung Wook Yoon.

In 2003, Dr. Yoon, then-president of the Southern California Centennial Committee of Korean Immigration to the United States, began the campaign to establish a National Korean American Day. In 2004, when Dr. Yoon became president of the Korean American Foundation, he formed the National Committee of Korean American Day. Under his leadership in 2005, the committee claimed victory when the United States Senate and U.S. House of Representatives passed resolutions supporting the goals and ideals of Korean American Day and established an annual celebration recognizing the many contributions of Americans of Korean descent to the life and cultural fabric of the United States.

Aside from spearheading the campaign to establish Korean American Day, Dr. Yoon has accomplished a great deal in his lifetime. He is the recipient of the Presidential Award from the Republic of Korea, the Grand Award for World Korean Day from the World Korean Interchange and Corporation Association, and the Grand Award for Korean American Day from the Korean American Foundation.

□ 1310

CONGRATULATING KRISTI HOUSE FOR ITS PARTNERSHIP WITH MIAMI INTERNATIONAL AIRPORT AND THE PORT OF MIAMI

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

Ms. ROS-LEHTINEN. Mr. Speaker, as a popular tourist destination, south Florida is known for its nightlife and sandy beaches, but unfortunately this has also made our area a destination for human trafficking. Thankfully, Kristi House has been a beacon of hope for our community by providing abused children the care they so desperately need.

Recently, Kristi House saw the need to try to identify and intercept traffickers and their victims as they use our air- and seaports. As a result, Kristi House has teamed up with Miami International Airport and the Port of Miami in an unprecedented partnership. MIA and Port of Miami employees will undergo special training that will allow them to identify child victims of human trafficking and hold their traffickers accountable. Approximately 750 personnel at MIA will be trained, as well as 1,500 trained by the Port Authority.

This unique collaboration is positioned to become a national model that will be invaluable in the fight against human trafficking. I again congratulate Kristi House on this tremendous achievement.

TRAYVON MARTIN

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

Mr. AL GREEN of Texas. Mr. Speaker, I am before the House with a very heavy heart. I am very much concerned about the circumstances in Florida involving Trayvon Martin.

We live in a world, Mr. Speaker, where it's not enough for things to be right; they must also look right. And it just doesn't look right for a 17-year-old child to lose his life under the circumstances that have been announced.

I would like to thank all of the many colleagues here for the bipartisan support that has been shown in calling for the Justice Department to investigate. I also thank those who say they support what the Justice Department is doing in terms of an investigation. It doesn't look right, and I believe it is not right.

REPEAL IPAB

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

Mr. CRAWFORD. Mr. Speaker, I rise today to voice my support for the Medicare Decisions Accountability Act that passed this body today.

The measure will repeal the controversial Independent Payment Advisory Board, or IPAB, that would limit seniors' access to Medicare.

In my rural Arkansas district, senior citizens rely on Medicare to see their doctor and get their prescriptions filled. Without the coverage, they would be in a world of hurt. IPAB has the real threat of limiting seniors' access to treatment. I won't stand idly by while the IPAB board of 15 unelected and unaccountable bureaucrats tries to deny Medicare services to my constituents.

Members of IPAB are not subject to any real checks and balances. A huge amount of power is being given to this Medicare-cutting board that will be tasked with deciding who can and can't receive health care benefits. I am committed to strengthening Medicare for today's seniors and the next generation of Americans for this program. The Independent Payment Advisory Board will not protect seniors; it will only deny care.

Mr. Speaker, the Medicare Decisions Accountability Act gives seniors in my Arkansas district the security of knowing that their Medicare benefits will not be denied by faceless bureaucrats. I hope the Senate will now take action and pass this important bill.

HONORING THE LIFE OF HIS HOLINESS POPE SHENOUDA III

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

Ms. KAPTUR. Mr. Speaker, this week, the world laid to rest in the Egyptian desert a holy and wise spiritual giant, Pope Shenouda III, the

117th Pope of Alexandria and the patriarch of all Africa of the Coptic Orthodox Church. He passed on March 17.

His Holiness Pope Shenouda III presided more than 40 years over a worldwide expansion of the Coptic Orthodox Church. During his papacy, he appointed the first-ever bishops to preside over North American dioceses. When His Holiness became Pope in 1971, there were only four churches in North America. Today, there are over 100.

He championed a deep commitment to ecumenism interfaith dialogue, not just with Catholic groups—meeting the Roman Catholic Pope of Rome for the first time in over 1,500 years in the year of 1973—but he joined with Protestant churches as well as Islamic leaders and Muslim clerics. He was a man for the world.

I had the honor of meeting the Pope at our local Coptic Christian church when it was being constructed. He was a man of immense faith, unforgettable. I never will forget his steady, strong, peaceful countenance when I asked him what it would take to achieve unity among the faith confessions, and he said: It would take love.

His contributions to world understanding and bridging horizons yet unmet will flower in decades ahead and progress will move forward in his memory.

[From the New York Times, Mar. 17, 2012]

COPTIC POPE DIES IN EGYPT AMID CHURCH'S STRUGGLES

(By Kareem Fahim)

CAIRO.—Pope Shenouda III, who led the Coptic Orthodox Church in Egypt for four decades, expanding the church's presence around the world as he struggled, often unsuccessfully, to protect his Christian minority at home, died on Saturday after a long illness, state media reported.

Pope Shenouda, who was 88, had suffered from cancer and kidney problems for years.

His death comes at a time of rising fears for Egypt's to million Coptic Christians, who have felt increasingly vulnerable since the fall of President Hosni Mubarak and amid attacks on churches by hard-line Islamists and repression by Egypt's security forces.

The rise to power of conservative Islamist parties has also raised concerns that Egyptian national identity is becoming more closely bound to Islam.

''It's an injection of uncertainty for Copts at a time of transition in the country,'' said Michael Wahid Hanna, a fellow at the Century Foundation. ''Whether people were fond of him or not, this will cause anxiety.''

On Saturday night, hundreds of Coptic Christians gathered at Cairo's main cathedral to grieve.

Samir Youssef, a physician, called the pope ''an intellectual, a poet—strong, charismatic.''

''On a personal level, I'm worried about the future. I think there will be a conflict, the same chaos that followed the 25th of January,'' he added, referring to the start of the uprising last year.

In a statement, President Obama praised Pope Shenouda as a beloved ''advocate for tolerance and religious dialogue.'' Egypt's interim rulers, the Supreme Council of the Armed Forces, called on Egyptians to ''come together in solidarity and be tolerant, to take Egypt toward security and stability.''

Pope Shenouda, who became patriarch in 1971, was known as a charismatic, conservative leader for Egypt's Copts, who make up about 10 percent of the population in the majority Sunni nation.

He filled a leadership vacuum as Copts—along with most Egyptians—retreated from public life under authoritarian rule, and he expanded the church's reach, especially in North America. At the same time, he was criticized for what were seen as his autocratic tendencies, which stifled internal church changes, and his support for Mr. Mubarak's government, given in return for a measure of protection that Copts increasingly felt was insignificant.

The failure to distance the church from Mr. Mubarak led to greater disillusionment with the pope after the revolution, especially among younger and more secular Copts.

Pope Shenouda was born on Aug. 3, 1923, as Nazeer Gayed in the city of Asyut, Egypt, according to a biography of the patriarch posted on the church's Web site. He attended Cairo University and became a monk in 1954.

In 1981, Pope Shenouda was sent into internal exile by President Anwar Sadat, with whom he clashed after complaining about discrimination against the Copts. Mr. Mubarak ended that exile in 1985, with an informal understanding that Pope Shenouda would be less vocal in pointing out discrimination, according to Mariz Tadros, a researcher at the University of Sussex and the author of a forthcoming book on the Copts.

That understanding was severely strained in the past decade after a series of deadly clashes between Copts and Muslims, and charges that the state, and especially its security services, stoked the sectarian divide. After 21 people were killed in a church bombing last year, some Copts criticized the pope for not confronting the government.

The Coptic Church's own policies, including its almost total ban on divorce, have also increased tensions. Some have left the church specifically to divorce, either choosing another denomination or officially converting to Islam, then sometimes converting back after the split.

The conversions have incited rumors that have led to episodes of Muslim-Christian violence.

The next pope will face a growing desire among many Copts to expand the community's leadership, analysts said. Under Pope Shenouda, ''the church became the de facto political representative of the Copts,'' Mr. Hanna said. ''That became increasingly problematic.''

OCTOBER BABY: EVERY LIFE IS BEAUTIFUL

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

Mr. ADERHOLT. Mr. Speaker, I rise today to call attention to one of the most important issues of our time and to remind my colleagues and my fellow Americans that ''every life is beautiful.''

This weekend, a film called ''October Baby'' will be in theaters across the country to tell the beautiful, heartfelt story of Hannah, a young woman who learns she was adopted after a failed abortion. While this film captures her journey to discover her hidden past and find hope for her unknown future, it takes a clear stand for life, something we often don't see at the movies.

I believe protecting unborn life is a universal issue and has become one of the most unifying causes in recent decades. I'm grateful to all those that are involved in the making of the movie, especially the Erwin brothers from Alabama for making ''October Baby'' and their willingness to put this important issue in the spotlight.

A FAREWELL TRIBUTE TO JOHN W. ROWE AS HE RETIRES FROM EXELON

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

Mr. SHIMKUS. Mr. Speaker, Mr. John Rowe, as the chairman and CEO of Exelon, is retiring upon closing of the company's merger with Constellation Energy.

John joined Unicom, the parent company of Commonwealth Edison, in 1998. He was hired to help fix its troubled nuclear fleet and prepare the company for deregulation.

In both 2008 and 2009, Institutional Investor named John the best electric utility CEO in America. In the 14 years of John's leadership, Exelon has been named by Forbes as one of ''America's Best Companies,'' a ''Global 2000 Company,'' the ''Best Managed Utility Company,'' to Fortune's list of the World's Most Admired Companies, one of Businessweek's Top 50 companies, and Utility of the Year by Electric Light and Power.

Throughout John's career, he has been an active leading voice in energy and environmental policy, delivering policy addresses and testifying before Congress, the Federal Energy Regulatory Commission, and State regulators.

John and his wife, Jeanne, are committed participants in civic and cultural activities. They are committed to a wide range of a variety of civic activities, with a focus on education and diversity. The Rowes are particularly proud of their substantial commitment to founding the Rowe-Clark Math and Science Academy. And he is a board of trustees chairman of the Illinois Institute of Technology.

Mr. Speaker, I have come to know John Rowe during my tenure in Congress. I can say that his impact on the energy industry will be long felt by both policymakers and Exelon customers. I wish him and his family well in their future endeavors.

Mr. Speaker, I rise today to talk about someone that I have come to know through my work on the Energy and Commerce Committee over the years, John W. Rowe. Mr. John Rowe, the chairman and CEO of Exelon, is retiring upon closing of the company's merger with Constellation Energy. His retirement marks the end of nearly 14 years at Exelon and his 28-year tenure as the longest-serving electric utility CEO. It also brings to a close a long career in the utility business in which Rowe has distinguished himself as both an industry and civic leader.

John joined Unicom, the parent company of Commonwealth Edison in 1998. He was hired

to help fix its troubled nuclear fleet and prepare the company for deregulation. He shepherded the merger of Unicom and PECO Energy and has led the combined company, Exelon, since it formation in 2000. The Unicom-PECO merger is widely regarded as the most successful merger in the industry's history. The combined company serves 5.4 million customers and operates the largest fleet of nuclear power plants in the country.

In both 2008 and 2009, Institutional Investor named Rowe the best electric utility CEO in America. He has also received the Edison Electric Institute Distinguished Leadership Award, Keystone Center Leadership in Industry Award, Chicagoland Chamber of Commerce Burnham Award for Business and Civic Leadership, induction into the Chicago Business Hall of Fame, University of Arizona Eller College of Management Executive of the Year Award and the Union League of Philadelphia Founder's Award for Business Leadership.

In the 14 years of John Rowe's leadership, Exelon has been named by Forbes as one of ''America's Best Companies,'' a ''Global 2000 Company,'' and ''Best Managed Utility Company'' to Fortune's list of the ''World's Most Admired Companies,'' one of BusinessWeek's ''Top 50'' companies, and ''Utility of the Year'' by Electric Light and Power.

Mr. Rowe served as chairman of the Nuclear Energy Institute, the Edison Electric Institute (EEI), the Commercial Club of Chicago, and the Massachusetts Business Roundtable.

Rowe and his management team succeeded in turning around the ComEd nuclear fleet—increasing the capacity factor from less than 50% in 1997 to more than 92% in every year since 2000 and average refueling outage days were reduced by half. Exelon today is the largest and widely regarded as the best nuclear plant fleet in the U.S.

Responding to massive reliability issues in ComEd's service territory in 1998 and 1999, Rowe spearheaded the effort to improve system reliability that has helped reduce the frequency and duration of customer outages by 20% since 2001. ComEd has spent more than $5 billion on improving the system since 1998. ComEd now performs in the top quartile of its peer companies for reliability.

Under Rowe's leadership, PECO has been an industry leader in reliability performance, moving from the top quartile to top decile in infrastructure modernization and the use of equipment to eliminate and reduce the length of outages for customers.

Throughout his career, John has been a leading voice on energy and environmental policy delivering policy addresses and testifying before Congress, the Federal Energy Regulation Commission, state regulators and other. He was a pioneer on industry efforts for utility restructuring and a fierce advocate for environmental stewardship and diversity.

Perhaps more than any other CEO, Rowe has made environmental stewardship a hallmark of his tenure at each of his companies. While at CMP, he refocused its energy procurement strategy to conservation, energy efficiency and cogeneration.

John and his wife Jeanne are committed participants in civic and cultural activities. They are committed to a wide variety of civic activities with a focus on education and diversity.

The Rowes have established the Rowe Family Charitable Trust. Over the past decade, the Rowes and the family Trust have contributed more than $19.7 million to organizations including the University of Wisconsin, the Illinois Institute of Technology, the Chicago History Museum, the Field Museum, Misericordia, the Chicago Shakespeare Theater, Metropolitan Family Services and Northwestern Hospital.

The Rowes are particularly proud of their substantial commitment to founding the Rowe-Clark Math and Science Academy, and is a Noble Street operated charter school and the Rowe Elementary School, a Northwestern University Settlement Association operated charter school. In addition, John Rowe serves as Chairman of New Schools Chicago, an organization that promotes and funds Charter Schools in the City of Chicago.

Rowe also serves as Chairman of the board of trustees of the Illinois Institute of Technology and as President of the Wisconsin Alumni Research Foundation. He is a Vice Chairman of the Field Museum and has previously served as Chairman of the Commercial Club of Chicago and its Civic Committee and as Chairman of the board of the Chicago History Museum. While CEO of CMP, Rowe served as the Chairman of the Fort Western Museum capital campaign. At NEES, Rowe served as President of the USS Constitution Museum, Chairman of the Mechanics Hall capital campaign, a member of the board of the Massachusetts Natural Conservancy and on the board of Trustees at Bryant University.

Under Rowe's leadership and strong belief that utilities can and must have a commitment to their communities, Exelon has become a major part of the social fabric of the communities it serves. Exelon companies granted over $270 million to non-profit organizations serving our communities over the last eleven years including a $70 million donation to fund the Exelon Foundation.

Since the program's inception in late 2005 Exelon employees have tracked over 318,000 hours of community service. Exelon employees serve on over 350 non-profit boards across the service area, making an impact at the community level.

In recognition of Rowe's dedication to the community he has received the Civic Federation of Chicago's Gage Award for Outstanding Civic Leadership, the Citizen of the Year award from the City Club of Chicago, and the Heart of Mercy Award from Misericordia. Under his leadership, Volunteer Match has recognized Exelon as the Corporate Volunteer Program of the Year. Exelon has also received the Ron Brown Award for Corporate Leadership and was named to Corporate Responsibility Magazine's Best Corporate Citizens.

Mr. Speaker, I have come to know John Rowe over my tenure in Congress and I can say that his impact on the energy industry will be long felt by both policy makers and Exelon's customers. I wish him and his family well in their future endeavors.

DOWN SYNDROME AWARENESS DAY

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

Mr. YODER. Mr. Speaker, I rise to call attention to a very special day in our country. Yesterday marked the seventh anniversary of Down Syndrome Awareness Day.

There are over 400,000 people living in the United States with Down syndrome. This equates to one out of every 700 new babies born in America.

Many of us personally know friends and loved ones with Down syndrome. Those with Down syndrome lead active and productive lives, attend school and work, participate in decisions that affect them, and contribute to society in so many wonderful ways. That's why I am a proud supporter of the Achieving a Better Life Experience Act, the ABLE Act, and I will continue to do my part to spread the word about this and other important legislation that will help those with Down syndrome have the tools to succeed.

Please help me celebrate the importance of Down Syndrome Awareness Day, and let's join together to champion every individual in this country, especially those with Down syndrome.

□ 1320

JUST SAY ''NO''

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

Mr. GOHMERT. Mr. Speaker, we've just had a vote on H.R. 5, something very important. It's one of the horrible parts of the ObamaCare bill that we would have a board that would dictate to people what they could or could not have in the way of treatment or care.

The Federal Government has no business getting between people and their doctor. They have no business taking over health care, because if the Federal Government has the right to take over people's health care, then they'll have the duty to tell people how to live, what they can eat, what they must do.

But I had to vote ''no'' on this bill for this reason: in order to pay for this bill, under our rules, they added a provision that has the Congress dictating to every State in the country what their State med-mal tort laws have to be.

In Texas, we did tort reform, and we have doctors coming back. Some say, well, LOUIE, other States don't have it. That's fine. It's their right. Their doctors can come to Texas.

But when Congress wants to usurp State law, I have to say, ''No.''

THE AFFORDABLE CARE ACT

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, as the 2-year anniversary of the President's so-called Affordable Care Act approaches, we're reminded of the unkept promises. It almost seems like yesterday when we heard the line, ''We have to pass the bill so we can find out what's in it.'' That prediction

today stands as one of the few justifications for passage of the law to still hold much truth or credibility.

Then supporters said it wouldn't cost a dime; yet last week, the nonpartisan Congressional Budget Office stated they now expect the law to cost $1.76 trillion over 10 years. That's nearly double the $940 billion originally claimed.

Supporters said it would bring down costs; yet these new mandates have helped result in premium increases of up to 9 percent in my home State of Pennsylvania.

Today we remain committed to repealing and replacing this costly and dangerous law, piece by piece, if necessary. We take a great step today by repealing a provision that would otherwise cede the responsibility of Congress to an unelected and unaccountable Medicare rationing board. This measure is yet another facet of that commitment.

THE PRESIDENT NEEDS TO GET WITH THE PROGRAM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Indiana (Mr. BURTON) is recognized for 60 minutes as the designee of the majority leader.

Mr. BURTON of Indiana. Mr. Speaker, last week President Obama was in an oilfield in New Mexico, and the President said:

> Under my administration, America is producing more oil today than at any time in the last 8 years. That's a fact. That is a fact.

He went on to say:

> You have my word that we will keep drilling everywhere we can, and we'll do it while protecting the health and safety of the American people.

And he said:

> A recent independent analysis showed that over the last 36 years, there's been no connection between the amount of oil that we drill in this country and the price of gasoline.

''There's no connection,'' he went on to say. And then the President added:

> Even if we drilled every square inch of this country, we'd still only have 2, 3, or 4 percent of the world's known oil reserves.

That's just not true. It's just simply not true. Today, on television, the former president of Shell Oil, John Hofmeister, said—and he ought to know, he was in the oil business. He says that there is a trillion—a trillion, get that; not a billion, but a trillion-plus barrels of oil in America, more oil than there is in Saudi Arabia, and it's not counted by the President, and he's misleading the American people.

The reason he said that is because when the President talked about the increase in oil production, he was talking about the increase in oil production on private land outside the Federal Government's grip.

When you talk about the Federal lands, where we know there's tons of oil, oil production fell by 11 percent last year. It went down. So we're not drilling for that oil. We're not drilling off the Continental Shelf. We're not drilling in the Gulf of Mexico. We're not drilling in Alaska and the ANWR. We're not using coal oil shale for oil.

And so we could have another trillion barrels of oil, much more than we'll ever need, more than in Saudi Arabia, if we just did what the President says that we're already doing. But we're not doing it.

I'm going to be down here on the floor next week, and I'm going to show that the applications for permits to drill in this country have gone down, gone down by 36 percent since President Obama took office in 2008. So he says we're drilling everywhere. The permits that have been requested by the oil companies and those who will produce gasoline in this country have gone down by 36 percent since the President took office.

Now, let me just end up by saying this: the price of gasoline, from 2000 to 2009, was an average of $2.09 a gallon. The average retail price of gasoline when President Obama took office was $1.85 a gallon. And the average price of gasoline today is $3.88 a gallon, and everybody in America knows that. That's an increase of 86 percent.

So when the President goes on these trips around the country to make statements to the American people about the great things they're doing for energy production in this country, he should get his facts correct. Either he's misleading us intentionally or somebody's giving him the wrong information. But we have an abundance of energy in this country that's not being tapped.

I have no problem with us looking at alternative energy sources like solar, wind, geothermal, all those things, nuclear, but those things are going to take a long time, and we're still going to have to depend on oil and fossil fuels for many years to come. And the President needs to tell the truth and get with the program.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

Mr. BURTON of Indiana. Mr. Speaker, let me just say, if I may, that I try my best not to direct any comments to the President. When I speak on the floor, I usually say, ''If I were talking to the President.'' So I always qualify that.

Thank you very much. With that, Mr. Speaker, I yield back the balance of my time.

THE 21ST CENTURY BATTLEFIELD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Florida (Mr. WEST) is recognized for the remainder of the hour as the designee of the majority leader.

Mr. WEST. Mr. Speaker, throughout the history of the world, there has always been conflict between nations and among people. Wars have been fought to conquer land. Wars have been fought to acquire resources. Wars have been fought to spread ideas.

What is constant is that with each succeeding battle, both the tools and the techniques of warfare have progressed. From the earliest days of using rocks and sticks to the advancement of bows and arrows to flintlock and then automatic weapons, to TNT, atomic and nuclear bombs, man has continued to find ways, new ways of inflicting greater destruction on each other.

My father served in World War II. My older brother served in Vietnam. I, myself, served in Operations Desert Shield and Desert Storm, Iraqi Freedom, and Enduring Freedom, and my nephew continues to serve in the United States Army and has already been deployed to Afghanistan twice.

The only thing we know for sure is that the enemies my nephew has faced and will face in the future are altogether different from the enemy my father found in Europe and my brother found in Southeast Asia. Unlike any conflict this Nation has ever undertaken, from Lexington and Concord to Gettysburg and Antietam, from Belleau Wood and the Marne to Normandy and Iwo Jima, from the Chosin Reservoir to Khe Sanh, to the Persian Gulf, this 21st century battlefield is not defined by columns, fronts, uniforms, or borders but, rather, about one ideology against another.

Today, Mr. Speaker, I want to speak about this 21st century battlefield, one that is vastly different from any we have faced before. If we are not as prepared to fight in this new virtual environment as we would be to fight in unfamiliar physical surroundings, it will be just as likely to effect our downfall as the jungles in Indochina were to the colonial French troops.

□ 1330

Mr. Speaker, it is clear the United States Congress, the media, and Americans are truly focused on the dire economic situation here at home, and I share those concerns.

I also recognize the importance of not turning our backs on the principal obligation vested in us as elected leaders to protect and defend the United States of America against enemies, foreign and domestic.

The wars that my father and brother fought in and the Cold War we were engaged in when we first put on those uniforms 30 years ago, all of them were clearly defined. We knew our enemy. We knew his tactics. We knew his weapons and the uniform he wore. We even, at times, Mr. Speaker, laid down our arms temporarily to observe religious holidays like Christmas and Tet. But with the advent of the 21st century battlefield, that paradigm no longer exists. If we are going to achieve our objectives, we must be ready to adapt to changing circumstances. We cannot

simply understand our enemy; we must define it.

In 2012, more than 10 years after the Twin Towers fell in the city of which you, Mr. Speaker, represent, there is still a debate in this country about whom we're fighting.

So today, let us set aside political correctness in order to fully define the enemy we've been at war with for decades, since years before commercial airliners slammed into the Pentagon, crashed in a field in Pennsylvania, and took the lives of over 2,000 citizens in New York.

Let me be perfectly clear: the free world is not engaged in a war on terror. Terrorism is a tactic, Mr. Speaker, and no nation or coalition of nations can go to war against a tactic.

For instance, the United States was not engaged in a war against the Blitzkrieg or the Kamikaze in 1941 through 1945. Al Qaeda and the Taliban are indeed our enemy, but we are not at war with al Qaeda or the Taliban. They are simply the regiments and battalions of the ideological army to which they belong.

The United States was not at war with the 12th German Panzer Division or the 55th Japanese Infantry Regiment from 1941 to 1945. In fact, before the rise of al Qaeda, the terrorist group that had inflicted the most damage on the United States was Hezbollah. And let us never forget the loss in the Beirut bombing of those 240-some-odd marines. Today, Hezbollah has evolved into a highly capable military force, albeit one without state or uniform. So capable, in fact, they have armed missiles within striking distance of every city in Israel. Yet several American Presidential administrations have failed to clearly identify Hezbollah as an enemy.

Until we as a Nation are able to correctly and openly identify our enemy, we will continue to put our men and women on the ground in harm's way without a clear mission for success.

On this 21st century battlefield, we are not fighting against a single organization, a single leader, or a single nation. We are, Mr. Speaker, fighting against a radical Islamic fundamentalism which knows no country, recognizes no borders, and wears no uniform. It is Islamism, a theocratic political totalitarian ideology, no different from Nazism, fascism, and communism, which threatens the free world. Our enemy does not distinguish between combatants, be them lawful combatants, unlawful combatants, or even noncombatants, as required by the Geneva Convention. Our enemy does not distinguish between military and civilian targets.

So, Mr. Speaker, how do we understand the complexities of this global conflagration in which we are engaged, and how do we make the changes necessary to defeat it? With the appropriate strategic level of perspective, because we will never lose at the tactical level on the ground because the United States has the best soldiers, sailors, airmen, marines, and coastguardsmen the world has ever known. But without the correct strategic and operational goals, we'll be on the proverbial hamster wheel. No matter how much effort we exert, we will not make forward progress.

So, now that we have defined the enemy, we must develop strategic imperatives.

Mr. Speaker, I believe that there are three strategic imperatives: to engage, to deter, and to strike. We must clearly, then, identify specific strategic level objectives, and there are four.

First, Mr. Speaker, we must deny the enemy sanctuary. The number one asset our military has is its strategic mobility. When that is curtailed by a focus on nation-building or occupation-style warfare, we eliminate our primary advantage and, worse, turn our military forces into targets, because this enemy truly indeed has no respect for those borders and boundaries. Therefore, we must be willing to take the fight directly to him.

Second, we must interdict the enemy's flow of men, material, and resources. We have to cut off the enemy's ability to fund, supply, and replenish his ranks. As my colleague just spoke, our own energy independence is a vital part of that goal.

Third, we must, Mr. Speaker, win the information war. Unfortunately, the enemy is far more adept at exploiting the power of the Internet, broadcast media, and dissemination of powerful imagery. In addition, I fear that there are some in our media who now see themselves as an ideological political wing. If we cannot fully utilize information as a resource and part of our national power, we will lose this battle, if not our country.

The great example of this occurred during the Tet Offensive, when the North Vietnamese used information to their benefit against a superior American fighting force. Despite their own troops being badly depleted in the attack, our enemies were able to paint the outcome as a devastating loss for the United States. A former Vietcong Minister of Justice, Truong Nhu Tang, would later write:

> It is a major irony of the Vietnam War that our propaganda transmuted this military debacle into a brilliant victory, giving us new leverage in our diplomatic efforts, inciting the American antiwar movement, and disheartening the Washington planners.

Today, the Islamic fundamentalist enemy collectively portrays themselves as the victims of imperialism. Just as the Axis and Communist powers defined the free world as aggressors in order to cover up their crimes and designs for global domination, totalitarian Islam seeks to replicate the exact same strategy.

The now-deceased Osama bin Laden incited violence against Americans by invoking just such language when he said:

> U.S. soldiers only fight for capitalists, usury takers, and the merchants of arms and oil, including the gang of crime at the White House. Under these circumstances, there will be no harm if the interests of Muslims converge with the interests of socialists in the fight against the crusaders.

Mr. Speaker, fourth, as far as strategic objectives, we must cordon off the enemy and reduce his sphere of influence. We have to shrink the enemy's territory and not allow any political, cultural, educational, and financial infiltration into the United States.

What happened with Major Malik Nadal Hasan at Fort Hood, Texas, should not have been possible in this country. We must not turn a blind eye to a bold enemy who is telling us exactly what he wants to do and who is willing to bring the battle to our doorsteps.

Furthermore, for us to classify this jihadist attack as workplace violence defies sanity.

It is important that we must not hamstring our troops through the rules of engagement. Let us trust our men and women who are fighting for the preservation of this great constitutional Republic, and that includes our domestic law enforcement.

These should be our goals: deny the enemy sanctuary, cut off his flow of resources, use information to our advantage, and reduce his sphere of influence.

We must recognize that Iraq and Afghanistan are not wars but combat theaters of operation. It is up to our elected leaders and strategic-level military officials to identify and agree on the correct goals and objectives.

Beyond identifying the enemy and defining our objectives in kinetic battle, we must also understand and recognize the truly nonkinetic conflicts of the 21st century battlefield. One need only review the collapse of the Soviet Union to understand great nations can be toppled economically as well as militarily.

In fact, one country paid particular close attention to the fall of the Soviet Union, and that was China. In fact, China's efforts to modernize its economy were taken explicitly from the playbook of Lenin during the period of the New Economic Policy.

Lenin sought to place market mechanisms in a Communist economy to preserve the rule of the party and modernize this war's industries. It also sought to deceive the West into believing that communism had been weakened and was, therefore, a less formidable opponent.

□ 1340

China, Mr. Speaker, has been mimicking this tactic for decades. It's time that we took notice. Currently, the United States is providing a great economic advantage to China by allowing them to have an incredible trade surplus and hold nearly 30 percent of our debt. We must recognize that China is not using that advantage to improve the standard of living of its citizens. Instead, it is taking its economic edge

to the 21st century battlefield. Within 10 years, the world's largest blue-water Navy will fly not under a United States but a Chinese flag.

Why is that important?

Because no matter how technology changes in the future, the Earth's surface will still be covered 70 percent by water. All of the great civilizations—from the Venetians, to the Romans, to the Portuguese, Spanish, Dutch, English, and the Japanese—understood that the power and reach of a nation is extended not through a great army but through a strong navy. In 1990, the United States possessed 570 naval war vessels. Today, we have 285—projected to go even lower. If we cannot protect the sea lanes of commerce, we leave ourselves vulnerable, not just militarily, but economically to a power in China that continues to seek world communism as its ultimate goal, irrefutably so.

Mr. Speaker, I could spend the entire Special Order talking about China, because I believe, in this century, China could become the premier dominant nation in the world. And while the relationship between China and the United States is based on mutual needs at this moment, I am concerned for the day when China realizes this relationship is more of a hindrance than a need, and we always need to prepare if that day is to come.

As a veteran of Operation Iraqi Freedom, who served during the initial battles of that conflict, I am proud to be among the more than 1 million Americans who served in Iraq. What my fellow comrades in arms achieved in that country is nothing short of historic. Together, we defeated one of history's most tyrannical dictatorships and replaced it with what could be a free and democratic Muslim government. American soldiers, sailors, airmen, and marines beat back a radical Islamic insurgency and helped create what we hope for—an ally and partner in freedom.

I will never forget those with whom I served and those who served after I left that battlefield. I will always remember the sacrifice borne by so many servicemembers and their families. However, I have to question the motives of President Barack Obama in announcing a full withdrawal of American forces in October of 2011. Did the President press the commanders on the ground before making that decision? What kind of message does our sudden withdrawal send to our allies, such as the Kurds in the northern part of Iraq? Do they feel abandoned yet again? My fear is that political expediency drove that decision, not recommendations from the military leadership, not a strategic understanding of the 21st century battlefield.

For over 10 years, our Nation has been on the offensive against Islamic totalitarianism, radical Islamic terrorism, and specific individuals who want to harm our country and kill our citizens. Ten years ago, a band of thugs declared war on the United States, our fellow Americans, and our way of life. The last decade in Afghanistan has seen peaks and valleys, triumph and tragedy, unspeakable horror and unimaginable bravery during our long and difficult march towards victory.

While a decade may seem like a long period of time, we must remember that our enemies have been at war with our way of life for nearly a generation. From Beirut to the Khobar Towers, from the USS *Cole* to the first bombing of the World Trade Center, from the total destruction of the United States Embassies in Kenya and Tanzania to September 11, we must never forget that we did not choose this fight—the fight chose us.

While we may not have executed this combat operation perfectly—but then no war ever has been—we cannot pretend that radical Islam does not exist. The killings of Osama bin Laden and other radical terrorist leaders are significant victories. However, the fight continues. There is evil in this world that must be confronted lest our Nation sees more of its citizens maimed and killed in acts of terror.

I will continue to urge our President and his administration, my colleagues on Capitol Hill, and our congressional leadership to pressure Pakistan to crack down on terrorists within their borders. A particular concern is the Haqqani network, which is responsible for so much violence and bloodshed. I urge our leaders on both sides of the aisle to finish what was started in this part of the world.

Ten years after September 11, it remains absolutely vital to our national security that we succeed in Afghanistan. And how do we define ''success''? We cannot grant the enemy another opportunity to use that country as a home base for planning strikes against our Nation. Deny the enemy sanctuary. Unconditional withdrawal from Afghanistan, as we have done in Iraq, without considering the ground situation or the advice of top military advisers, would be absolutely reckless. Allowing Afghanistan to revert to its previous condition under Taliban control overturns the progress made so dearly by our forces, and it creates new threats to all Americans and this world.

Let me be clear. If we exit without delivering a crushing blow to the Taliban and other extremists therein, they will bring the fight to us. And while I believe the men and women serving in Afghanistan are performing bravely, above and beyond, it is vital that they are given all the tools necessary to succeed. We must ensure that they have the proper equipment, the proper weapons systems, a clearly defined mission, but, most importantly, flexible rules of engagement that do not needlessly put their lives at risk.

Mr. Speaker, recently Prime Minister Benjamin Netanyahu was in the United States, delivering remarks that reinforce that the State of Israel is a bright light in a dark ocean of tyranny and oppression. Israel must be allowed to defend itself from external and internal aggression. The Israeli people must be allowed to continue to build within their own borders, and Jerusalem must be recognized, irrefutably, as the Nation's only capital. Furthermore, the United States must stand by Israel's side in the face of a United Nations which clearly views the State of Israel through a lens tinged with anti-Semitic hatred, which, unfortunately, we just saw played out in France.

Anything less than full support for Israel and its citizens at the United Nations by the United States Government is simply unacceptable. I am concerned that Israel, America's strongest and most loyal ally in the Middle East, has become more isolated and vilified since Barack Obama became President than ever before in its existence, and I believe the United States Congress has a solemn duty to ensure that the homeland of the Jewish people remains as such.

The United States and Israel share the common bonds of freedom, liberty, and democracy, and the right to worship in the name of any religion as you see fit. We share a common enemy, though, in radical Islam, and we have both seen our citizens murdered by these terrorist thugs. We are, indeed, each other's greatest ally, for without the United States Israel would not exist, and without Israel the United States would soon fall.

Today, the bonds between us must be stronger than ever because those bonds are threatened as never before. Israel, Mr. Speaker, is a small country surrounded by enemies. The United States, however, is a large country being infiltrated by the same enemies. Like us, the Israelis seek only to be one nation under God, with liberty and justice for all. And as the Bible makes clear in Leviticus, chapter 25, verse 10, our purpose is ''to proclaim liberty throughout all the land unto all the inhabitants thereof.''

The bottom line is this: our Judeo-Christian faith heritage calls us to duty to stand beside the modern-day State of Israel. Therefore, Mr. Speaker, if we discuss Israel, we must discuss the Palestinian Authority. It is quite simple. No entity that aligns itself with a group that calls for the complete and total destruction of another country should ever be granted statehood.

I will never support funding for the Palestinian Authority or the recognition of a Palestinian state as long as they are reconciled and connected with Hamas. Further, I have cosponsored House Resolution 394, to support Israel's right to annex Judea and Samaria, if the Palestinian Authority continues to press for the unilateral recognition of Palestinian statehood at the United Nations.

A United Nations-recognized Palestinian state could place Israelis under the sovereignty of a group that actively seeks their destruction. This is

unacceptable, Mr. Speaker, and in the absence of a negotiated peace agreement, Israel has the right to protect its citizens living in Judea and Samaria by annexing those territories.

□ 1350

There cannot be peace without a growing peace party. Now more than ever is a time to stand with our ally Israel. And thanks in large part to the so-called Arab Spring of democratic revolutionaries, Israel is beleaguered and surrounded by hostility on all sides. The Israeli Embassy in Cairo, Egypt, was almost seized. And Turkey, once a prominent ally, has even shown intimations of threatening Israel with war. All the while, Hamas terrorists in Gaza fire rockets into Israeli cities on a pretty much daily basis.

There is a realistic chance that many European countries will recognize a Palestinian state. Russia is already offering enthusiastic support for a declaration of statehood. And last year, President Obama expressed his hope for such an outcome. The Palestinians are now using that support as part of their media campaign.

Even the Democrat Party is opposing Congresswoman ILEANA ROS-LEHTINEN's commonsense legislation, House Resolution 2829. This bill seeks more transparency and accountability within the United Nations, an organization that allows countries like China, Cuba, Saudi Arabia, and others to control the Human Rights Council.

The bill also requires steps to be taken to dismantle terrorist infrastructures and arrest terrorists, control Palestinian security organizations, and end the incitement of violence and hatred in the Palestinian media, educational institutions, and mosques. And most importantly, it requires the United Nations to recognize Israel's right to exist as a Jewish state.

I am pleased to support this legislation and commend my Florida colleague, the chairwoman of the Committee on Foreign Affairs, for introducing this legislation.

Mr. Speaker, let's be clear: there is no greater threat to Israel and the United States today than the development of nuclear weapons by Iran. President Obama has tried to take the diplomatic route when negotiating with Iran, but that is an effort that has indisputably failed. Iran has twice sent their warships through the Suez Canal within the last year in a blatant message to Israel. And recently, an Iranian defense official threatened to send warships to the east coast of the United States of America.

I believe Iran poses a genuine threat to democracies around the world. Iranian President Mahmoud Ahmadinejad spouts hatred against freedom of speech and religion everywhere while opposing his own people at home. Further, he denies the Holocaust ever happened and has stated that anybody who recognizes Israel will burn in the fire of the Islamic nation's fury.

Iran continues to push for nuclear weapons and has the capability to enrich uranium. It remains a state sponsor of terrorism and has aided internationally recognized terrorist organizations like Hezbollah. Hezbollah, along with organizations like Hamas and al Qaeda, is committed to seeing the destruction of the democratic freedoms that we treasure, along with the State of Israel in its entirety.

As a Member of the United States House of Representatives, one of my objectives is to protect the safety and security of Israel. A stable Israel is important to a stable United States, and Iran is a constant threat to that stability. We must stop lying to ourselves about Iran, for we are barreling toward a point at which we won't be able to prevent that nation from acquiring nuclear weapons without a massive military strike. It must not come to that. Iran is merely months away from producing sufficient weapons-grade uranium for a 15-kiloton bomb, a development which will put American naval vessels and the Strait of Hormuz at risk.

As you know, I have spent a lot of my adult life in uniform, some of it on that field of battle in Iraq. Those of us who fought in Operation Iraqi Freedom knew that our enemies received considerable assistance from the Islamic Republic of Iran. Many of the terrorist thugs who targeted American troops in that combat operation, just as many of those who target our troops in Afghanistan today, received guidance, training, weapons, money, and an untold number of explosives that have killed or terribly maimed so many of our Nation's finest, our comrades. We knew it without a doubt. We knew it because the components of those bombs bore irrefutable proof of Iranian manufacture. Yet to this day, most Americans are unaware of the support the Iraqi insurgency received from the Iranians.

Iran declared war on the United States of America nearly 33 years ago and has waged that war ever since. The Iranian war against America is not limited to our troops. Indeed, as we have recently learned from the Attorney General and the director of the FBI, the Iranians are prepared to kill American civilians right here in Washington if they happen to be in the same place at the same time as an intended target of assassination.

Our dealings with Iran are not a partisan political matter. A failure to respond to their murderous attacks is a national failure, not a failure of one party or another or one leader or set of leaders. This is a war, whether we decide to fight it or not.

They are waging war against us; yet our public discourse rarely, if ever, bothers to mention that fact. Every so often, someone will remind us that Iran is the world's leading sponsor of terrorism; but even that does not encapsulate the truth of the matter. They are killing us every single day.

If you want to see what the consequences of an Iranian victory would look like, just observe what life is like for the citizens of Iran. Anyone who voices opposition to the government or complains about the oppressive treatment of the Nation's women is arrested, tortured, and often killed. Independent newspapers have long since been silenced. Access to the Internet is blocked or filtered with the same technology used in the People's Republic of China.

The Washington Post editorialist writing about the Iranians' feverish efforts to construct atomic weapons put it very bluntly when they wrote:

> By now, it should be obvious that only regime change will stop the Iranian nuclear program, and only regime change will stop the Iranian war against America. Only regime change will bring an end to the mullahs' global dream.

The Washington Post thinks that sanctions can help, provided they are serious sanctions that strike at the heart of Iran's financial system. Mr. Speaker, I have no problem supporting such an effort, but I doubt that that will be enough because sanctions are only effective when a regime cares for its people.

Iran is a theocracy. An acquisition of a nuclear weapon will enable them to achieve their goal, the restoration of the Islamic caliphate.

We have another, even more powerful, weapon to aim at the Islamic dictatorship of Iran: the Iranian people. And it's time to use it. There can be no doubt that the people of Iran are yearning for new leaders; 2½ years ago, millions of them took to the streets to protest against election fraud and to call for an end to the Islamic dictatorship. There can be little doubt that, unlike so many of the uprisings in the Muslim world, the overwhelming majority of the Iranians do not want radical jihadist overlords. They want a separation of mosque and state, with the mullahs in the mosque, not running the state.

Of all the opposition movements in the Muslim Middle East, the Iranian one is the closest to us, the only one that surely wants to be part of the Western world. So why, then, Mr. Speaker, has the Iranian opposition movement not been explicitly endorsed by our government? Why do the President and the Secretary of State continue to talk about reaching an agreement with the Tehran regime? Why does the President not say that Ahmadinejad and Khomeini must go? If Qadhafi had to go and Mubarak had to go and Assad must go, why not the Iranian terror masters?

Since the President and the Secretary of State are unwilling to spell it out, I will offer my assistance. Ahmadinejad and Khomeini have to go, along with their evil henchmen. We need clear language from our leaders that states, Down with the Islamic Republic of Iran, which, Mr. Speaker, represents a clear and present evil in our world. We, hereby, call for a free Iran, and we are willing to support an effort

by the Iranian people to liberate their country.

President Ronald Reagan recognized the threat of inaction, and he laid out a road map on how to confront evil in our world three decades ago. First, tell the truth. Tell it often. Tell it everywhere. The truth is that Iran is in the clutches of evil people who kill Iranians and support the killing of Israelis and Americans every day and who will kill even more, if and when they get nuclear atomic bombs and warheads.

□ 1400

The truth is that we have tried to reach some sort of reasonable agreement with them for more than 30 years. The truth is they don't want it. They want to destroy us. And that's what they mean when they chant, ''Death to America.''

Second, our leaders and representatives must call for the release of political prisoners being persecuted in that country, to include the Iranian Christian minister being threatened with execution. When our diplomats attend international conferences, they should arrive with lists of victims in Iran, and they should read those lists. It's harder for totalitarian regimes to kill people with names than to slaughter faceless victims.

Third, we should broadcast the facts to the Iranian people. They need to know that we stand with them. They need to know what's going on inside their country. This is based on our experience during the Cold War when it turned out people inside the Soviet Union knew more about events in London and Paris and Washington than inside their own borders. That's why Radio Free Europe and Radio Liberty were such potent instruments of peace. Our broadcasts are often jammed by the Iranian regime. We must defeat their censorship.

Finally, we have to track down the killers of Americans and bring them to justice. The world must know anyone that takes an American life will be targeted and taken out in any country on the planet. Those who kill our citizens will not find safe haven in Iran.

Mr. Speaker, a majority of the America media did not feel it was important to report that Iranian President Ahmadinejad visited Cuba, Venezuela, Ecuador, and Nicaragua this past January. President Ahmadinejad threatened almost 200 years of precedent established by the Monroe Doctrine when he declared that ''from now on, Latin America will no longer be in the backyard of the United States.''

President Ahmadinejad is assisting Hugo Chavez with missile sites and has joked with that South American dictator about pointing a warhead at the United States. And, Mr. Speaker, there are Hezbollah camps in South America. Chavez himself has offered to send troops to fight with the Taliban and has reportedly funded al Qaeda. President Ahmadinejad has recruited the Mexican drug cartels for an attempted assassination of a Saudi ambassador in the United States.

Mr. Speaker, President Ahmadinejad's sphere of influence is not limited to the Middle East. He is entering our hemisphere and showing the influence that he has in this region. And that goes back to our fourth strategic objective.

President Obama seems to be uninterested in the principles of the Monroe Doctrine because, after all, he did take the wrong side in Honduras, and he has laughed it up with Hugo Chavez.

Mr. Speaker, the Syrian government, meanwhile, is continuing its vicious crackdown on innocent Syrian civilians seeking only freedom and democracy. According to available figures, almost 10,000 Syrians have lost their lives and thousands more have been injured. Many more have been forced to flee. The International Atomic Energy Agency also recently concluded that the secret Syrian facility destroyed by Israel in September of 2007 was ''very likely a nuclear reactor'' based on a North Korean model capable of producing plutonium for nuclear weapons.

The Syrian government has become a conduit in Iran's arming of Hezbollah Shiite forces in Lebanon and Hamas in Gaza. They have provided a safe docking station for Iranian warships, and they possess an arsenal of chemical weapons and missiles that I fear could end up in the hands of terrorists with which they are associated.

The threat posed by the Assad regime to the United States, to our allies, and the Syrian people is stark and growing. The time to increase pressure on that regime is now. That is why I joined other Members of Congress in sending a letter to President Obama requesting that he implement additional sanctions on Syria. The people of that country deserve a government that represents their aspirations and respects their basic human rights. It is clear that Bashar al-Assad is not willing to implement genuine reforms and that he lacks the legitimacy to lead the Syrian people.

The United States and all responsible nations must hold the regime accountable and the brutality must end. Additional sanctions would show the Syrian people that we stand with them in their struggle for democratic freedoms while also making it clear to the Syrian regime that it will pay an increasingly high cost for its gross violations of human rights and dignity, which is why, Mr. Speaker, UNESCO should expel Syria and strongly condemn them, and not repeatedly attack Israel. But, however, we must realize that there's an interesting turn in Syria with the Iranian and Russian presence evolving.

Mr. Speaker, it was not too long ago the American people watched a transition in Egypt, with this administration claiming we were witnessing a new dawn of democracy. Today, instead we are witnessing the nightmare of one of the greatest threats to the stability in the Middle East, a new Egyptian government under the Muslim Brotherhood. The Egyptian Parliament is now controlled by a majority of radical Islamists, and the Muslim Brotherhood is turning Egypt into a radical Islamic state. The Muslim Brotherhood also maintains active ties to Hamas, a terrorist organization that openly calls for the destruction of Israel.

Of course, America should stand with the Egyptian people. However, if the radical elements of the Muslim Brotherhood are left unchecked in that country, the security of the citizens of Israel, Egypt, and the United States all will be in jeopardy.

On July 19, 2011, I wrote a letter to the House Committee on Armed Services Chairman BUCK MCKEON on the troubling revelation of a possible U.S. military sale to the government of Egypt. It stated in my letter:

> It has come to my attention that the Defense Security Cooperative Agency notified Congress on July 1, 2011, of a possible foreign military sale to the government of Egypt for 125 M1A1 Abrams tank kits for coproduction and associated weapons, equipment, and parts, training, and logistical support.

America must continue to stand with the Egyptian people and encourage them to build their own democracy with new political parties and freedoms. However, we must exercise caution with regard to military sales and support to the Egyptian government until a government is formed absent of the radical elements of the Muslim Brotherhood that would maintain an active peace with Israel.

Speaking of the Muslim Brotherhood, Mr. Speaker, I would like to quote to you directly from a former Supreme Guide of the International Muslim Brotherhood. In December of 2005, Mohammed Akef said:

> The Brotherhood is a global movement whose members cooperate with each other throughout the world, based on the same religious world view—the spread of Islam until it rules the world.

Three years ago, a court found a Muslim charity right here in the United States guilty of funneling millions of dollars to the terrorist group Hamas. That was the Holy Land Foundation trial. The Council of Islamic Relations, CAIR, was named as an unindicted coconspirator. That case included testimony that Hamas' parent organization, the Muslim Brotherhood, planned to establish a network of organizations to spread the militant Islamist message right here in the United States. In its own ''Explanatory Memorandum'' for North America, the Muslim Brotherhood stated that its strategic goal is to establish an Islamic center in every city in order to ''supply our battalions.''

Through its various front organizations in the United States, the Muslim Brotherhood is succeeding in cultural ''whitewashing'' to eliminate all references to Islamist terrorism in our public discourse. After the 9/11 Commission identified ''Islamic terrorism''

as a threat in this country, the Muslim Public Affairs Council recommended the United States Government find other terminology. As a result, the FBI Counterterrorism Lexicon and the 2009 National Intelligence Strategy included not a single reference to Islam, Muslim, the Muslim Brotherhood, Hamas, or Hezbollah.

Furthermore, after Major Nidal Hasan's attack on Fort Hood, the Department of Defense Report used the terms ''violent extremism'' and ''Islam'' only once in a footnote. Again, that incident was officially classified as workplace violence.

Mr. Speaker, we must also be concerned about North Korea. I was stationed in North Korea in 1995 along the demilitarized zone. I stood on the 38th parallel and looked through the barbed wire and landmines. And there, Mr. Speaker, you can see a repressed Nation. I saw for myself what a ticking timebomb that country can be. Sooner or later, North Korea will either implode or it will explode. The situation in North Korea most closely resembles a street gang, where the leader of the gang is killed and a young guy must step up.

□ 1410

In that instance, it is critical for the newly appointed ''top dog'' to establish his credibility by proving himself. And today, North Korea is ruled by a 28-year-old appointed four-star general.

Now, Mr. Speaker, it took me 22 years to become a lieutenant colonel. You can begin to understand how dangerous a situation is brewing just west of the Sea of Japan. The tactics do not change, and the game is getting tired. Anytime North Korea finds itself in need of money, it saber rattles with the threat of a secret nuclear arms program. It has fired artillery onto the South Korea island and sunk five South Korean Naval vessels.

Again and again, the international community responds with misguided attempts to ''buy'' the country off. Threaten to go nuclear and get funding in exchange? I call that international extortion. The DPRK newspaper, Nodong Sinmun, and other mouthpieces for the Workers' Party of Korea sensed this policy of weakness and referred to the disbursement of food and aid as ''tribute.'' If there's one thing we've learned, it's that the North Koreans cannot be trusted to voluntarily disarm. They are playing our country and the entire Western world for fools. Sooner or later, we'll need to step up and stand up to this simmering menace just a few hundred miles from Japan.

Mr. Speaker, in conclusion, if we miss this opportunity to recognize the 21st century battlefield—and understand, we did not talk about Africa, we did not talk about Somalia, and we did not talk about our own border security. I thank my colleague from Indiana for speaking about energy independence. But if we miss this opportunity for understanding what this battlefield truly is, to understand the threats and to lay out a strategic vigil for victory, we will lose the opportunity to ensure that our children and grandchildren of America will have a secure future.

As a country, we must roll up our sleeves and devise a roadmap for security. We must be mindful of the wise words penned by Sun Tzu in the book ''The Art of War'' more than 25 centuries ago:

> To know your enemy and to know yourself and to know your environment, in countless battles, you will always be victorious.

If we do not understand this simple maxim, we face dark days ahead indeed. And that shadow could not only fall on this country, but on the entire world. Because no matter what our detractors may think, we are that beacon, we are that lighthouse. We are, as President Ronald Reagan said, ''the shining city that sits upon a hill.''

For the sake of our Nation and of all nations that seek freedom for their citizens, we must be prepared to fight on this 21st century battlefield, and we can settle for no less than victory upon it.

Mr. Speaker, those of us who have served in battle are the last to desire it. But as John Stuart Mill once wrote:

> War is an ugly thing, but not the ugliest of things. The decayed and degraded state of moral and patriotic feeling which thinks that nothing is worth war is much worse.

Policymakers and those of us here in Washington, D.C., should heed the wise words of George Santayana:

> He who does not learn from history is doomed to repeat it.

I will always stand by the men and women of the Armed Forces, and I am proud to represent them as a combat veteran in the United States Congress. I will always continue to protect our Nation, as I once did on the battlefield, and as I am now honored to do in this, the people's House, steadfast and loyal.

And I yield back the balance of my time.

APPOINTMENT AS MEMBER TO COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431 note), as amended, and the order of the House of January 5, 2011, of the following member on the part of the House to the Commission on International Religious Freedom for a term effective March 23, 2012, and ending May 14, 2014:

Mr. Robert P. George, Princeton, New Jersey

THE PROGRESSIVE MESSAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the minority leader.

Mr. ELLISON. Mr. Speaker, my name is KEITH ELLISON. I will claim the time over the next several minutes, and I want to talk about the issues before us today, namely, the budget. The budget is the issue today, Mr. Speaker.

As you may know, the House majority has come out with their budget, and, of course, the Progressive Caucus has come out with its budget, and that's what I want to talk about tonight.

The Congress, Mr. Speaker, is made up of a lot of diverse interests. We have people who span the spectrum of political thought. On the far right, those folks are present here and they allow themselves to be heard.

But we have other folks who have different points of view and believe that the best of America is the idea of liberty and justice for all. That's the Progressive Caucus—the idea that all Americans, no matter what their color is, no matter what their religion is, no matter whether they are male or female, no matter who they may be, have a right to live in a safe, free country with an opportunity to make a good, decent living with a retirement and with good, solid services like public schools, like police, fire and all these things, and we should live in a nation where we can really promote the common welfare. What that means is that the public sector and the private sector together—we have a mixed economy—need to work together to elevate the best interests of all American people.

To that end, the Progressive message, which I want to share tonight, is going to be about this budget, this Budget for All. The Progressive Caucus budget is called the Budget for All, and that's the Progressive Caucus message. Tune in at cpc.grijalva.house.gov to learn more about it, Mr. Speaker. Now, this is the hashtag for the Budget for All. It's #Budget4all. We want people to check it out and read about it.

It's very different from the Ryan budget. It's very different because we have a different vision for our country. It's very different because the Progressive Caucus believes that responsibility and the benefits of being an American should be shared; whereas, I think it's fair to say that the Ryan budget believes that if you give rich people a lot of money, maybe they'll start some businesses and maybe they'll hire someone and maybe people who are working class and middle class might benefit. It's called trickle-down economics, and I'll talk about that in a minute. But this is a very sharp contrast to the Progressive Caucus budget, which is the Budget for All.

Let me tell you a little bit about it, Mr. Speaker, because I think you're going to like it.

The Budget for All makes the American Dream a reality again. By putting Americans back to work, the Budget for All enhances our economic competitiveness by rebuilding the middle class and investing in innovation and education. Our budget, the Progressive

Caucus budget, Budget for All, protects the basic social safety net, which is Medicare, Medicaid, and Social Security.

Now, it's very important to protect these programs, Mr. Speaker, because these programs go to help the people who basically made America for those of us living now. Let America never be a nation where our senior citizens who literally forged a way for younger people like me and those younger will have to eat dog food, have to choose between their medication and their meal, won't have enough to make their basic ends meet.

We need to support Medicare, Medicaid, and Social Security. That's what the Budget for All does. The Ryan budget, which is really the Republican budget, does something very, very different, and we're going to talk about that in a minute.

Now, it's important, Mr. Speaker, to bear in mind that when you talk about the budget of a nation, what you're really talking about are the priorities of that nation, the values of that nation.

If you show me a family budget and that family spends a lot of money on potato chips and soda pop and none on the gym, I'll tell you what they value. If you show me a family that puts money into their kids' education and spends on making sure that they live in a neighborhood that's safe, then I'll tell you what their values are. If you show me a family that buys nutritious foods, I'll tell you what their values are.

Our budget is a reflection of what we believe, and our budget as a nation is also a reflection of what we believe.

□ 1420

Our Budget for All, here's what it reflects:

First of all, it puts Americans back to work. That is the number one thing the Budget for All of the Progressive Caucus does. Our budget attacks America's persistently high unemployment levels with more than $2.4 trillion over 10 years in job-creating investment. This plan utilizes every tool at the government's disposal to get the economy working again, including—and Mr. Speaker, this is important—direct-hire programs that create a School Improvement Corps; also a Park Improvement Corps, a Student Job Corps, and others.

So, right now, when we have literally 14 million people out of work looking for jobs, why don't we send them to our schools and make these schools top-quality institutions and make the facility well painted, well cared for, well taken care of so that when the boiler breaks, the principal doesn't have to say, oh, my goodness, do I take it out of the maintenance budget to fix the boiler? What do I do?

We've got aging infrastructure in this country, and our schools are part of that. They're crumbling, and we've got to do something about it. Under the Progressive Caucus Budget for All, we spend money to hire people to help rejuvenate and improve our schools, School Improvement Corps.

Also, in many districts where State and local governments have been cutting back, you have teachers who are trying to service 50 kids, 40 kids. This program can help teach kids and give the teacher some real help in the classroom so that they will not be overburdened.

Also, we invest in a Park Improvement Corps. Now, in my great city of Minneapolis—and I'm going back there today, I hope—you can walk around our beautiful lakes. One of the lakes we have is called Cedar Lake, and everybody loves Cedar Lake. You can walk through the paths there. And recently, Mr. Speaker, I stopped at a picnic table along the paths of Cedar Lake and stamped on this—Mr. Speaker, you'd be surprised to see—it said ''WPA 1934.'' Now, that's the Works Progress Administration, a great American institution that put people back to work at a time when Americans were, in high numbers, out of work.

I think that if that generation at that time could respond to the needs of Americans who weren't working back then in the Depression, given the high rate of unemployment, our generation should not do less. A Park Improvement Corps to help take care of the paths, take care of the parks, make sure that these great national monuments dedicated to the enjoyment of all Americans are cared for and we hire people in the process, this is a good idea.

Also, the Student Job Corps. Mr. Speaker, one of the things that our unemployment numbers reflect is that a lot of young people are out of work. A lot of people who just got out of college are still looking for their first job. A lot of young people who decided that they didn't want to go to college but wanted to just jump right into the workforce are having a very tough time. So the Student Job Corps would be a program to put students to work.

You know, Mr. Speaker, there's lots of work to be done around America. According to the American Society of Civil Engineers, there's $2 trillion worth of maintenance that needs to be done all across America. I'm talking about the roads, the bridges, the transit, all kinds of stuff. There's young people who need intervention. There's tutoring that needs to happen. There's all kinds of things that need to happen. And between the School Improvement Corps, the Park Improvement Corps, and the Student Job Corps, we will be able to literally hire millions of people. This would be great. It would spur our economy; it would increase aggregate demand; and it would give a lifeline to some people who've been out of work for a long time.

People would really rather work, Mr. Speaker. Of course, I'm a very firm believer in our social safety net for the non-elderly. I believe in it. I think Medicaid is very important. I believe that food stamps is a critical program. I believe in all these programs. But I do know—and everyone knows—that folks would rather work. So let's set up a work program so that people can do their job in jobs that need doing.

Also, Mr. Speaker, I talked about some of our direct-hire programs. But what about the other aspect of the Budget for All, which focuses on the targeted tax incentives that spur clean energy, manufacturing, and cutting-edge technological investment in the private sector?

Now, Republicans, if the economy is doing great, they want a tax cut. If the economy is doing bad, they say, Tax cut. If the economy is kind of up and down, they say, Tax cut. These guys think that we should always cut taxes all the time, except when working people want a tax cut. They really fought us tooth and nail over the payroll tax cut. But if ever some really rich people want a tax cut, they're all for that. And it's not that they're bad people. It's because they mistakenly assume that trickle-down economics works. They think that if you give rich people money, then rich people will maybe hire somebody, or at least that's what they're hoping for.

The tax cuts we're talking about are targeted so that we can spur clean energy, manufacturing and cutting-edge technological investment in the private sector. Of course, President Obama has presided over America now with 23 straight months with private sector job growth—long way to go, but definitely the right direction.

The third aspect that we need to spend on for jobs is in a surface transportation bill. We propose a $556 billion surface transportation bill spread out over a number of years. But when we think about the potholes, the roads, the bridges that are old—I mean, I was at a bridge recently in St. Louis Park in my district. This was a 73-year-old bridge. This bridge needed some care and needed to be refurbished to make sure that it stays safe. There are bridges like that all over my district, all over America. So this $556 billion surface transportation bill and the approximately $1.7 trillion in widespread domestic investment.

The Budget for All, Mr. Speaker, is all about putting Americans back to work first. But here's something about the Budget for All that people need to know, and it's that our budget is more fiscally responsible than the Republican budget.

Now, if you ask Republicans, they think, oh, well, liberals, you know, they may not be bad people, but they're not realistic. They just want to give all the money away; they don't want to hold people responsible. Well, you know what? Our budget is more fiscally disciplined than the Republican Ryan budget.

Unlike the Republican budget, the Budget for All substantially reduces the deficit and does so in a way that

does not devastate or set back our recovery. We achieve these notable benchmarks by focusing on the true drivers of our deficit—unsustainable tax policies, overseas war, and policies that help the recent recession—rather than putting America's middle class social safety net on the chopping block.

Our budget creates a fairer America.

We end tax cuts for the wealthiest 2 percent of Americans on schedule at the year's end, which are set to expire; and we let them expire for the top 2 percent.

Extends tax relief for the middle class households and the vast majority of Americans.

Creates new tax brackets for millionaires and billionaires in line with the Buffett Rule.

Eliminates the Tax Code's preferential treatment of capital gains and dividends.

Abolishes corporate welfare for oil, gas, and coal companies.

Eliminates loopholes that allow businesses to dodge true tax liability.

Creates a publicly funded Federal election system that gets corporate money out of politics for good.

Now, it has always bothered me, Mr. Speaker, that two-thirds of American corporations don't pay any taxes, because there's one-third that do. Because we have this system of loopholes everywhere, some corporations have to pay full freight and others don't have to. GE, for example, was said to have paid no or very low taxes, but there's a lot of big ones that didn't pay. Bank of America didn't pay. There's a lot of them that didn't pay. I don't think Boeing paid.

I'm saying that for the one-third of American corporations that do pay, we've got to make sure that everybody ponies up something. If more people pay, the burden on the ones that do pay will be lower. The Budget for All recognizes this important truth, unlike the Ryan budget, which protects coal, oil and those dirty polluting industries—oil, gas, and coal companies.

Now, another aspect of the budget driver, another big budget driver are these overseas wars.

□ 1430

Let's face it, in Iraq they told us that we were supposed to be getting rid of weapons of mass destruction. There weren't any. They told us that Saddam Hussein was connected to al Qaeda. He wasn't. They said that we had to go there to make sure that there would be peace. We're leaving now, and the Iraqis—it's their country, and they are managing the best they can. Still, it's not that peaceful, but the fact is 10 years couldn't solve that problem.

It was right to get out of Iraq, but it's also right to get out of Afghanistan. We need to responsibly and expeditiously end our military presence in Iraq and Afghanistan, leaving America more secure at home and abroad.

Our budget adapts our military to 21st century threats because we definitely believe that America should be strong, but we should be adapting ourselves to the reality that we're in.

One of the attributes of our bill, one of the very important components is a piece of legislation called the SANE Act. This excellent piece of legislation reduces our nuclear weapons arsenal because this is all Cold War stuff designed to fight the Soviet Union, and there is no more Soviet Union. What are we doing with these 20th century weapons systems in the 21st century? We need to bring some sanity to that. We reduce the budget so that it reflects the modern reality.

The Budget for All protects American families by providing a make work pay tax credit for families struggling with high gas and food costs. This make work pay tax credit for families that are struggling with high gas and food costs is the kind of thing that incentivizes work, which is what we want to do. We extend the earned income tax credit and child dependent care credit.

I'm very happy to say I've just been joined, Mr. Speaker, by a good friend of mine from the great State of Texas, SHEILA JACKSON LEE. Whenever she is ready, she can just stand on up and hold forth. But I'm looking forward to sharing some mike time with her, because her insights are always very important.

Moving forward on this issue of protecting American families, the Budget for All invests in programs to stave off further foreclosures to keep Americans in their homes. This is very important. A lot of the economists who look at the problems with our economy have concluded that until we get our hands around this foreclosure crisis, we're going to continue, Mr. Speaker, to have very slow growth.

The Budget for All addresses this problem. We deal with investing in programs that stave off further foreclosures. We also invest in children's education by increasing in education, training, and social services.

The Budget for All is a good budget. It's a budget that makes sense. It's a budget for America. It's a budget designed to help the middle class and to put Americans to work. It's a budget that really reflects what Americans want, which is to get out of Afghanistan and Iraq. And we're already out of Iraq, but we're still kind of there. But we don't have a military presence there; we've got contractors there.

This is a good budget that I hope that people will take a very strong look at. It is more fiscally responsible than the Ryan budget. We spend more upfront to get the economy moving, but then we save money on the back end, and we end up getting to primary surplus in the year 2016. This is an important thing that we need to do.

Let me just pass the microphone and yield to Congresswoman JACKSON LEE, who has distinguished herself in many areas, not the least of which is fighting for a fair budget for our Nation.

Ms. JACKSON LEE of Texas. I thank the cochair of the Progressive Caucus for once again reminding America of America's greatness. That's why over 90-plus Members join together to be members of the Progressive Caucus. We have a sense of optimism that reflects our commitment to investing in human capital.

Earlier today, I had the opportunity of listening to a discourse about the transportation bill, and I will point to what we've done with infrastructure. There was the representation by the majority leader that we're living in hard times, we don't have money, that we can't be looking, for example, at the Senate bill and we can't move forward. And I just listened as our minority whip spoke about the urgency of moving forward on an infrastructure bill.

What I think is important, and really the theme that I wanted to focus on as I listened to you in my office—I just left about 12 constituents who are the beneficiaries of community health clinics, one of the items that we've supported as a Progressive Caucus for a very long time and championed along with the Tri-Caucus, to put in the Affordable Care Act, which, by the way, the 2-year anniversary is tomorrow.

The point is that we have optimism. We have the sense that America can get it done. You've just put up a very telling poster that when our Republican friends begin to talk, we're headed toward a pathway of devastation: no Medicare, no Medicaid, allowing reckless investments or speculation to occur, jobs overseas, and not focusing on our recovery.

By the way, we understand a balanced budget. We are using war savings for the people of the United States of America. Our troops come home, and we realign our national security focus. I think most Americans will understand that, even national security experts will tell us that it is probably a challenge to think we will have a ground war invasion like we've had years past ever again, that we're now fighting a war on terrorism or acts of terrorism.

Certainly, as we look to tell others to, in essence, become unnuclearized, we too must join the world's family because it's only one-upmanship.

I would just say that we do not disarm our Nation. We believe in defending our Nation, but we believe in doing it in a smart way. What we have done is that we have these words, ''comprehensive economic recovery,'' but I'd like to say this is a smiley-faced optimistic pathway for Americans.

Don't you think young people who are now sophomores, juniors, and seniors in college looking for their bright day—does anyone remember as we come upon May how exciting it was to look forward to a college graduation, a trade school graduation? You were just tickled pink. You were making sure your invitations were out. You were hoping that all relatives could make sure they had no conflicts. You really

wanted Grandma there or your aunt there or your favorite brother there or Mom and Dad there or family there. This was an exciting time. The Progressive Caucus budget speaks to that excitement and optimism and hopefulness.

Our budget has an infrastructure bank that allows the private sector to come together and effectively bring about infrastructure projects in all manner of areas, from the hamlets that are so small, to the villages, to the county governments, to the city governments and State governments.

I introduced a surface transportation bill that has been slowed, another bill that would generate income and transportation security and recognize that we must secure our surface transportation. In this bill, we proposed a 6-year $556 billion reauthorization bill that, over 10 years, would lead to a $213 billion increase in transportation funding. What it would also do is create many jobs that provide for small contractors, minority-owned contractors, women-owned contractors. It would create work. It's an optimistic view.

The making work pay tax credit from 2013–2015 is about let's let folks who are working, let those get a benefit that makes sense. Then we have more than $2 trillion in domestic investment packaging.

Just let me mention the idea of when you work with emergency jobs to restore the American Dream, getting people out where improvement is needed—student improvement, park improvement, student jobs, neighborhood heroes, community health clinics, federally qualified clinics, and child care corps—getting folks to work.

□ 1440

In my town, Mr. ELLISON, in the Southwest as you well know, we had a great drought in the last year. Volunteers are trying to plant trees, but I tell you we could stand for a Heroes Corps, we could stand for a Community Corps to get out there and help us reseed America, if you will. We know that. We know the Job Corps. But this is a concept that gets folks out working.

I also want to congratulate the University of Houston-Downtown that is heavily minority that just won the distinguished honor roll recognition for the largest amount of community service done by a campus across the Nation, cited by the Department of Education. That means people are ready to put that to work.

Tax credits for investment in advanced energy. I've got a company right in my community that's been awarded for its new, innovative work on energy, manufacturing, capital access for entrepreneurs of small business.

Now, let me just say this. I am excited about the 3 million Apple 3s that were sold because I think that is optimistic, and it employs the genius of America and it goes against the sad, deflated concept.

Now, let me be very clear. I am not ignoring the unemployed Americans. I want to be very clear on that. I don't think the Progressive Caucus has for a moment. We did a job tour. We're going back out again. We have no reason to dismiss the person who is now sitting unemployed.

What I want to say is there is some optimism. We've got to get all of those folks to be part of this new surge of optimism which this Progressive Caucus budget, if passed, would generate.

But I want to just say this to my good friends at Apple. Bring the jobs home. You are manufacturing Apple 3 in China. I certainly believe in an international framework. I know that everything can't be made in America, made at home. But I do know that aspects of the talent that you're using in China can be found here in the United States. And the cost of shipment—I can tell you you can save some dollars. Let's put our thinking caps on for companies like Apple and find a way that you can balance those resources.

I'm just going to cite General Electric. I know that we had put a real heavy heat on General Electric. I am told by their employees they are bringing jobs home. I met with some employees in my district who have indicated that they have been bringing them on home. I looked at them. They were real. They were alive. So, they have jobs, and they said they work for General Electric. Let's have a number of companies looking that way.

Let me quickly just mention because this is all exciting, and I think people need to hear about excitement and opportunity.

We already talked about the manufacturing community's tax credit, tax credit for the production of advanced technology vehicles. Again, everybody is saying we're slow on the hybrid, we're slow on the electric car. But all of that can create opportunity, tax credits for alternative fuel commercial vehicles, which is very possible. Double the amount of expense startup expenditures. So that means that if you've got a startup, we're going to double what you can expense. I think that makes a lot of sense.

Young people are the ones that are always starting startups. We need to encourage that. Enhance and make permanent the research and experimentation tax credit. That is right in the line of the Texas Medical Center. Many of our medical research hospitals, MD Anderson in the 18th Congressional District, while it's our neighbor, is working on new technology. This fits an optimistic view on how we can cure the worst of the worst.

Let me also say that I want to make mention that we are dealing with tax brackets, and we are looking, I think, at sensible policies dealing with capital gains and State policy. What I would say to people who are listening to us: Get on our Web site and give us your input. We're interested in what you have to say.

As well, let me just put in a pitch that no one likes the season when April 15 comes around. But we've tried to make our tax reform palatable. As far as I can see, we have left alone the charitable tax exemption. I tell you there are those who are very concerned that we leave little room for those who have that on the table, have everything on the table; that they would attack the charitable tax exemption and not go to some of the ones that the Progressive Caucus has focused on, because this nonprofit, this foundation, said they would be stopped in their tracks.

I had one foundation, one nonprofit talk to me today and say how challenging it is to get funding for the disadvantaged and programs that deal with intercity. So I want you to know that the Progressive Caucus recognizes the value of the charitable tax deduction, and you don't find that on our table.

I want to say something to Mr. ELLISON. I wanted to mention, for a moment, Trayvon Martin.

Mr. ELLISON. By all means I yield time.

Ms. JACKSON LEE of Texas. He is certainly a lawyer who's practiced law, but I have met Mr. ELLISON's wonderful family of youth and young people, a young man. That's what happens. People don't realize that we have families on both sides of the aisle. Good Republican friends who've been with our families. So whatever you see us saying here on the floor of the House, we are particularly sensitive and warm toward Members' families because we are, in essence, despite our policy debates, we are a family here.

So I simply wanted to indicate first to give good wishes to Congresswoman CORRINE BROWN, who is now with her constituents in a major protest in Florida on this sad and tragic incident. I wanted to say that we will gather on Tuesday to present an opportunity for the case to be heard on this issue and the Federal Government's responsibility or authority.

One of the things that in this budget we are very keenly sensitive to are the needs of the Department of Justice. Again, an optimistic budget, because the Department of Justice is the armor in many instances that will come in and help a community when they cannot get help locally.

Mr. Martin was killed on February 26. He was buried on March 1. Today is March 22. It was only when his parents came out or used their grief that they're still grieving to start asking why, law-abiding citizens who were waiting for the city attorney and waiting on the chief of police, waiting on the Governor of the State of Florida to say something. Nothing was said.

So, as the voices began to raise and the astonishment and outrage began to percolate, Mr. ELLISON, it was not isolated to Florida or Sanford. If you listen to the various media outlets, parents, no matter what their background,

were calling and asking, What about my child?

I think it is important that we show this young man. It could be any of our family members. Can we imagine our youngsters wearing the clothing of the day—hoodies, sneakers, jeans. Do I need to remind you that Mr. Trayvon Martin was simply getting some Skittles, on the phone with his girlfriend, walking back to where his father was and going to look at some games. In this instance, it was basketball.

I come from local government. You come from State government. We know about Neighborhood Watch. We champion Neighborhood Watch. We have this Community Night Out, Police Night Out, whatever it is, and all of us have gone to it. We tell neighbors to watch out for each other. It's important for it to be said this was not watching out for each other.

The basic 911 tape, if you frame it, the call came in, that's the right thing to do. The description I may not adhere to, some of the words in the description, but so be it, you described this individual as such. But it came back and asked the specific question, ''Are you following him?'' ''Yes.'' ''Do not do that.''

□ 1450

This youngster, football player, babysitter—likes to babysit, eating Skittles—a fun food to eat with a basketball game—was on the sidewalk. Not coming out of a window, not knocking on a door, not standing in front of a door, not on a lawn—walking on a sidewalk, which the Progressive Caucus has stood many times on that First Amendment right, we've stood many times. He was walking, and we are now in an abyss of darkness in terms of what next happened, but the description is, this young boy was shot point-blank in the chest.

We have to call upon the Federal resources. We've called for a Federal investigation. We've been joined by many colleagues. We have tapes of witnesses, meaning people inside their homes, saying they heard shouting and crying for help. We've heard people ask the question: Why didn't the neighborhood watcher stand down in the car? Move away? We've also heard the author of the ''stand your ground'' bill—which, by the way, is in 20 or so States—a Republican State representative, articulate in newspaper clips that it is not a pursue and attack. It is that you can stand your ground upon someone coming, but it is not a pursue and attack.

I just wanted to indicate that it is important for Members of Congress—and I believe there is a sense of outrage. We are not taking this to the level that does not respect the family that is mourning. We're not creating hysteria. We are only begging for the relief of others whose names have not come up. There are people calling in and telling us about cases from the west coast to the east coast, to the North and the South. So I wanted to indicate that we will be joining as Members of Congress in hearing the circumstances, as much as we can, on the theory of the Federal Government's responsibility or authority. I think that is the more appropriate approach to take.

I want to thank the gentleman for letting me articulate, I think, just the sheer horror of having our kids leave our home—for innocence—and not come back. As a mother, I believe that, and as one who sees this, I believe we owe that family a response.

Mr. ELLISON. It's funny you should make that particular point about your family tie, because, when I first heard about the case of Trayvon, I mean, my thought went immediately to my own 17-year-old son. We live in Minneapolis, and he could very well be running to go get some Skittles, and could be talking on his cell phone. It's horrifying to me, deeply disturbing and troubling, that somebody would think that, first of all, he was some sort of a problem because he was walking down the street, and then to follow him. Then even after 9/11, when people say don't follow, they still follow.

You're right. Much has been said about the Florida law, the ''stand your ground'' law, but this gentleman did not stand his ground. There is no evidence to suggest that that is what happened. He went after this kid. Then you hear the tape of the boy as he was screaming. Somebody said to me earlier today, Well, don't call Trayvon a boy. Hey, he was 17. He was a boy.

Ms. JACKSON LEE of Texas. He was a boy.

Mr. ELLISON. He was killed by a grown 28-year-old man. It's deeply disturbing. I wish the people who don't quite get it yet could feel how some of us feel about this case. I mean, I spent 16 years in the criminal justice system. I know that horrible things happen, and it's heartbreaking any time we lose anyone, but to think that law enforcement would operate and treat this person with impunity is absolutely an abandonment of every principle of serve and protect. If a cop did what this guy did, they would take his gun, they would make him give a urine sample, and they'd put him on administrative leave until this thing was sorted out. This guy walked away.

Here is another thing. As a criminal defense lawyer, I find it nothing short of shocking that this man's representation—shooting him in self-defense—was good enough. I mean, if you've got a self-defense claim, then after you're charged with murder, you can raise that and see if you can convince a jury of it. We have a dead young man here, and the chief of police is like, Well, these things happen. No, there needs to be accountability. Do you know what I don't want to see happen? I hope people don't think this is only because this kid is black. You know, this could be a kid of any color.

Ms. JACKSON LEE of Texas. That's right.

Mr. ELLISON. Any parent should be shocked. Any 17-year-old who's walking the streets ought to be worried that some overzealous wannabe police officer would just shoot him down. This case is a national outrage.

Do you know what? You know and I know, because we've both worked in the system, that if the police would have made the arrest and processed this case in the ordinary course, it probably wouldn't have even hit the national news. But because nothing was done—cold-blooded murder; it looked like first-degree murder—we're all horrified.

Ms. JACKSON LEE of Texas. You're speaking as a parent, and I think everyone can appreciate that. You really highlighted it. In this instance, of course, we have to look and see whether there was a hate crime or if his civil rights were violated.

But you're absolutely right. We had nothing to go on. We had a person walking. We have the police, themselves, and so many of us have worked to ensure that the guns on these streets don't go after our law enforcement officers because, obviously, there are many who believe the more guns the better off we are—guns, guns, guns. This has nothing to do with the Second Amendment. It's just guns, guns, guns. So he has a concealed weapon. I'm not here to cast any aspersions, but as the reports are coming out, he has some challenges—meaning Mr. Zimmerman—to his record. He has some challenges.

With that in and of itself, the officer should have brought him in, but there is no evidence of that. Maybe they did, but there is no evidence of that, and they should have done, as you indicated, the normal police work. He has a defense, so be it—that of a concealed weapon permit and ''stand your ground.'' But you have a dead person, and you have no witnesses, at least not that the police have offered to say Mrs. Jones, Mr. Smith, Mrs. Gonzalez said that they were in a knockdown, drag-out. There is not any glimmer of information that has come out. The young man happened to be a person of color. We have placed to a bipartisan vote both hate crimes laws, the 1964 Civil Rights Act, and other bills that have been voted on in a bipartisan manner simply because we don't want America to violate those very precious rights.

I want to just share with you, because, as I said to you, I've got a neighborhood watch, The Washington Post says, Experts say neighborhood watches shouldn't be police.

Mr. ELLISON. They should watch.

Ms. JACKSON LEE of Texas. That is correct.

What I don't understand, and what we will be, if you will, perusing is, where did this case go wrong and the fact that the Federal Government has to come in when things go wrong.

Someone said to me in my office that this case has riveted like Emmett Till's case riveted.

Mr. ELLISON. Yes.

Ms. JACKSON LEE of Texas. And you're right. There are cases across America. Members have raised cases in conversations that we've had, and we need to have all of that in an inventory so we can, out of this tragedy, say to those parents: Trayvon counts. We care. Young people count. Children count. Your community counts and our communities count.

I wanted to share that. I'm not going to let this go. As for the Judiciary Committee; the Congressional Black Caucus; the Tri-Caucus, which involves the Asian Caucus and the Hispanic Caucus; letters that have been written by a number of Members of Congress; the work of Congresswoman BROWN—and the Progressive Caucus, I know, is a willing partner when it comes to issues of justice—we are not going to let this rest without finding some relief and rest for this family.

□ 1500

And I thank the chairman for his personal story. I met the young man, and we've all traveled together, our family, at the Dem caucus events where families come together.

I will just conclude by simply holding up, again, this picture. And for those who don't know the terminology, let me just show. He is in football attire here; and we don't know what college he would have gone to or what football team, if that had been his choice, that he would have played on.

Let me just put this up. If you can see it, this is an innocent face. But he is wearing a hoody. And if anyone needs to know, I have a hoody. It's my local college's paraphernalia that you buy, and you wear it to the game, and it has a hoody. And it's something that I think everybody has seen in this country. I see nothing on here that says: Bad guy. Criminal. Shoot me. That's not what we do in America. I want to thank the gentleman for allowing me to share and to say that we will find some resolution to this.

I will simply conclude by saying that I do believe in an optimistic America. Revealing my pain about this young man is pain for all those whose names we have not called. But in believing in an optimistic America, I want to be a problem solver. I want to solve this problem or answer this problem with respect to Trayvon Martin.

I want to say that as I perceive this product that has been produced, this Budget for All, I am so grateful that over 90-plus members of the Progressive Caucus saw that the right route to take was the optimistic upturn, positive, open opportunity budget to give to all of America. That's what we should be supporting, not the downturn, the ''no way out,'' but really that there is a new day for America.

I yield back to the gentleman and thank him for his courtesy.

Mr. ELLISON. I thank the gentlelady for joining me tonight.

We talked about the Budget for All, and the hashtag again is #Budget4all. People can check it out on Twitter or on anywhere else. It will be on U.S. Progress. We want people to look at the Budget for All. We want your ideas.

But I think it's also important to draw a contrast. The recently released Ryan budget, the Republican budget, does some critical things that Americans should know about. It ends Medicare. It devastates Medicaid, rewards Wall Street, punishes Main Street, protects corporations that ship jobs overseas, threatens the recovery. It preserves tax breaks for the people who don't need them and actually cuts into the social safety net for America's everyday heroes, police, fire, job training, small business, infrastructure, college affordability.

I think the facts show that in the course of the last couple of months, I guess 18 months or thereabouts, I believe that the Republican majority really hasn't been working on solving problems.

People can say whatever they want about Dodd-Frank, or they can say whatever they want about the Affordable Care Act or the Lilly Ledbetter Fair Pay Act for women, or they can say anything they want about the credit cardholders' bill of rights. But in the last Congress, these are bills the Democratic House majority passed that were designed to try to solve problems for Americans.

Now, some people say, Well, it should have done this more. It shouldn't have done so much of that. Fine. That's what we do here. We debate stuff. But I'm not aware of any single piece of legislation we looked at since they took the majority designed to solve a problem. It's all been: cut everything; whack everything. Let's not take a surgical look at what should be cut, what's not working. Just cut everything.

They have created budget crisis after fiscal crisis after debt limit crisis. I mean, this is the Congress of crisis.

And the Speaker may be aware that because the Ryan budget basically goes below the nonmilitary discretionary in the Budget Control Act, which was a deal, when the Senate comes in with their budget and this bill and theirs don't match, we're going to have another standoff.

Oh, and by the way, we're going to have a standoff in 10 days because the transportation bill is expiring. The House majority, the Republican Caucus, will not agree with the Senate to pass a 2-year transportation bill. So the transportation bill within 10 days is looking to expire. They say, We'll only do a 3-month bill. Three months? This is putting everybody's lives in jeopardy. They just did it with the FAA not more than a few months ago. This is the crisis Congress, where they will not make long-term decisions because they are playing politics.

I believe that since the Republicans have put defeating the President as their primary goal, therefore, of course, they're not operating on the basis of trying to solve any problems.

But before any Republicans get upset with me for saying these things that I honestly believe to be true, don't get mad at me. Americans believe that that's what they're doing. Now here's a question put to Americans. Republicans would rather see President Obama lose than see America win. Half of Americans believe the Republicans are sabotaging the recovery to win an election. This is a Washington Post poll: fifty percent responded positively to that; 44 percent said no.

If you've got most people thinking that your main goal is to get rid of the President and not help them, that's a problem. And look, some folks might say, Oh, look, Keith, that's not true. That's just you politicians arguing again. Well, MITCH MCCONNELL said it. He said, Our main priority is to defeat the President, make the President a one-term President.

So at the end of the day, this budget reflects that politics-playing theme that they seem to be on. They are rigging the system even more heavily in favor of the richest 1 percent. Their budget gives generously to the rich and protects existing tax breaks for those at the top of the income scale.

Also, the reality is that the only way to pay for such huge tax cuts for the 1 percent is to make the 99 percent pay the tab. Their budget would weaken the middle class of America. First and foremost, the plan ends the Medicare guarantee of decent, affordable health insurance in retirement. It also slashes critical middle class investments, such as education and infrastructure by 45 and 24 percent. It cuts education by 45 percent, infrastructure by 24 percent. It includes not a single new measure to help the nearly 13 million unemployed. Though we've recently enjoyed several months of solid jobs growth, our current economic recovery is by no means assured; and we still have a long way to go.

Not only does the House Republican majority's budget fail to propose a single new idea for spurring job growth, but it would even force us to swerve into severe austerity. The Ryan budget, which is the Republican budget, cuts the following: it kills even more jobs by cutting the Federal workforce by over roughly 210,000 over 3 years, cuts food stamps and welfare, cuts retiree benefits from Federal employee pensions, cuts support for farmers, cuts antipoverty programs and uses the proceeds to give rich people even more tax cuts.

As I said before, the Republicans, who believe—and so many of them believe in it. They believe in trickle-down economics. This is the idea that rich people don't have enough money and poor people have too much. The problem is that that belief system has never succeeded.

□ 1510

One of the best economies since World War II was in the 1990s. One of the best. We had the Clinton-era tax

rates, which we hope we'll return to, at least for the top 2 percent. The top 2 percent were doing great during Clinton's time. And yet the Republicans say that unless we give rich people more money, the economy is not going to be good. Well, it's not good now, and they have been in charge for a long time.

So the bottom line is the Ryan budget proposal is bad for America, cutting basic criteria for seniors and not investing in jobs. The Budget for All invests in America and puts Americans as the top priority, not just winning some election.

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

BROKEN PROMISES IN OBAMACARE

The SPEAKER pro tempore (Mr. HULTGREN). Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from Louisiana (Mr. FLEMING) for 30 minutes.

Mr. FLEMING. Thank you, Mr. Speaker. It is indeed a pleasure to come to the floor today to speak to this Chamber about a subject that I think is very important on the minds of the American people, and that is the 2-year anniversary of the Patient Protection and Affordable Care Act, also known as PPACA, and certainly more commonly known as ObamaCare.

I want to give you a little context, Mr. Speaker, of where I come from. I'm a Congressman from Louisiana in the 4th District, centered in Shreveport Bossier. I have been a family physician for 36 years. I still see patients when I have the opportunity. I also have businesses on the side that are not related to health care.

So in my world for many years, and in raising a family, the responsibilities of meeting payrolls have included not only running a small medical practice but also a growing business dealing with all of the regulations, the taxation, and the many different issues—personnel problems, human resource problems—that we must deal with. And certainly providing health care has been a great challenge over the years. And there's no question that the system has not been what it should be prior to this time.

In fact, one of the reasons why I ran for Congress—and many other of my colleagues who were physicians—we have 15 just in the Republican section alone, and I think we'll have more next year—the reason why we've become so activated, if you will, when it comes to Federal policy on health care is because of all the failures that we've seen over the years and the problems with government trying to micromanage health care.

So what I want to talk about today is broken promises with regard to ObamaCare. You may recall that Candidate Obama, Senator Obama, says you will not have to change your health care plan if his health care plan is brought into law. For those of you, he said, who have insurance now, nothing will change under the Obama plan except that you will simply pay less.

Another quote from him is this. This is President Obama in June of 2009:

> And that means that no matter how we reform health care, we will keep this promise to the American people. If you like your doctor, you will be able to keep your doctor. If you like your health care plan, you will be able to keep your health care plan.

Well, what is the truth of this? By the administration's own estimates, new health care regulations will force most firms and up to 80 percent of small businesses to give up their current plans by 2013. Grandfather plans would be subject to the costly new mandates and increased premiums under the President's health care plan.

Again, my own business is back home. We still cover our employees, and we would fall under the grandfather. But here's what we're up against. If we change just one dotted ''i,'' one crossed ''t,'' that totally nullifies the grandfather rule that applies to our plan. So what that means is if we change anything—the cost structure, anything—then simply we will fall into the government-mandated plan in which we have to choose among the three specified, certified government plans that would be chosen for us.

Now you could say, Well, we could keep exactly what we have without changing one scintilla of it. The problem is, what if the cost continues to go up—and it will—and we say maybe let's raise the deductible, raise copayments, cut some coverage someplace, change the way we cover pharmaceuticals, do something to lower that cost so we can afford it as a company and our patients can afford it. No. It then nullifies the grandfather clause and then it activates, of course, ObamaCare, and we will be required to be in it.

Let's go to broken promise number two. I have many broken promises but I'm going to focus on six today.

Broken promise number two. President Obama in September of 2009 says:

> First, I will not sign a plan that adds one dime to our deficits either now or in the future. I will not sign it if it adds one dime to the deficit now or in the future.

Well, is that true? An honest accounting of the health care plan finds that it will increase the deficit by hundreds of billions in the first 10 years alone. For instance, the law double-counts the Medicare savings.

It's interesting the way we have something in Washington, in Congress, called the CBO, the Congressional Budget Office. It uses a scoring mechanism. It works out of a 10-year budget window. So whatever we do, it either costs more or costs less, based on what happens for it in the next 10 years.

And so this was a big challenge for the Obama administration to get this bill passed because they saw what we saw, and that is it will add billions of dollars to the deficit. So what did they do? They manipulated the budget window to make it look like it paid for itself. And how did they do that? Well, for one thing, the way the bill is set in motion and the way it's implemented is that for the first 4 years—you've noticed that even though it passed in March of 2010, it hasn't been implemented. Why? A very good reason. Because the costs don't begin until it's implemented. However, the revenues already began soon after the bill passed. So the way it was scored is we have 10 years of revenue—that's income—and 6 years of costs.

Well, Mr. Speaker, I could run any business profitably that way if I have 10 years of revenue and only 6 years of cost. That's precisely what happened here. However, the law has been rescored and in fact what was supposed to be a $900-some billion bill over 10 years is now rescored at $1.75 trillion. And next year, which will then stretch it out the full 10 years, it will be well over $2 trillion.

Former CBO Director Douglas Holz-Eakin has written that:

> Under a realistic set of assumptions, the law will increase the deficit by at least $500 billion in the first 10 years and more than $1.5 trillion in the second decade.

Mr. Speaker, let's go back to where we are with government health care pre-ObamaCare. Back in the nineties, the last time that we balanced a budget was under President Clinton and after, of course, a Republican-controlled House and Congress in general sent a balanced budget three times in a row. He vetoed it twice and finally signed it the third time.

□ 1520

How did they do it and we can't do it today? Well, one reason is very important, and that is that at that time 30 percent of the budget was made up of mandatory spending, that's entitlement spending, which would be Medicare, Medicaid, Social Security, and other forms of mandatory spending such as welfare, section 8 and so forth. So that meant that 70 percent was discretionary spending, which means that you could cut budgets out of certain departments and agencies and you could begin to balance a budget once again.

Well, today it is 60 percent of the budget that's mandatory or entitlement spending—and growing—which means that we have certainly much less to work with in order to balance the budget, and it continues to grow. The largest piece of that is Medicare itself.

Mr. Speaker, I guarantee you that most Americans do not realize that today Medicare is very much a subsidized and entitlement program. Even though its recipients and those of us who are in the workforce paying into it, even though we pay premiums into it, the return on those premiums are threefold; that is to say, for every dollar you put into Medicare, you get $3

back in benefit. And that applies no matter what your income. Warren Buffett is old enough to be on Medicare, and as a result of that, Warren Buffett, with his $40 billion, gets the same subsidies as the little lady who barely gets by each month.

So it's important for us to understand that we already have a government-run health care system—that is, Medicare—that actuaries, the CBO and everyone says becomes insolvent, runs out of money in 4 to 8 years; it just depends upon which estimate you believe in. And to be honest with you, with each year that estimate comes closer and closer rather than farther and farther away.

So, I hate to say it, but promise number one was broken. The President promised that there would be nothing to change about your health care plan or your doctor. We know that not to be true.

Broken promise number two is it would not add one dime to the deficit. And we know now that it's going to be at least $500 billion, perhaps as much as $1.5 trillion over the coming decade.

So let's move to broken promise number three. President Barack Obama said in September 2009:

And one more misunderstanding I want to clear up. Under our plan, no Federal dollars will be used to fund abortions, and Federal conscience laws will remain in place.

Well, is that true? There was a whole lot of drama around here during the debate, the original ObamaCare bill—and, by the way, I want to point out something about the term ''ObamaCare.''

I'm often asked in my town halls, Why do you call it ObamaCare? Isn't that being derogatory or in some way denigrating to the bill itself or to the President? Of course the rhetorical response I have is, Well, if it's a law or a bill that you can be proud of, then why are you ashamed to name it after President Obama? If it were a bill I was proud of, a law I was proud of, I would love it if it were called FlemingCare.

But, quite honestly, I don't think even the President is proud of this bill. And how do I know that? Because on the 2-year anniversary, where are the cakes and the candles? Where's the celebration? Remember that Speaker PELOSI, when she was Speaker right here in this Chamber, said that we have to pass it to know what's in it.

Well, Mr. Speaker, we now know what's in it, and we're not happy about it. Fifty-seven percent of the American people say we want it repealed, and only 38 percent—and these are consistent numbers since the passage of the law. In fact, they've actually gotten a little worse over time. The vast majority of Americans do want it repealed.

But back to this. What about the funding of abortions?

When the bill first passed this House, we had protections and guarantees. We had a few pro-life Members from the Democrat side, we had a vast number of pro-life Members on the Republican side, and we came together and said, okay, they're not going to vote for this bill. No Republican voted for it. But the Democrats who were pro-life said, We're not going to support this bill unless it has protections not to prevent abortions but to prevent taxpayer funding of abortions.

Today we're in a divided Nation when it comes to the question of abortions. About half of Americans, 51 percent, are pro-life. They do not believe that we should take innocent life. Something near that say, Well, we think it's a woman's right to choose. But by a margin of around 75 percent, Americans say we do not want to pay for—through our taxpayer money, we do not want to pay for abortions.

And so we were given certain guarantees that that wouldn't happen. However, when the bill came back to us from the Senate, all the protections, conscience clause protections, protections against taxpayer funding of abortions, all of that was stripped away.

Now, the President would say, even today, and many Democrats would say, there's not any taxpayer funding of abortions. Well, again, is that true?

Just recently, the Department of Health and Human Services, under Secretary Sebelius, issued a final rule on the State health care exchanges providing for taxpayer funding of insurance coverage that includes elective abortion. The rule confirms that abortions on demand will be included in publicly funded insurance plans. This means that it is absolutely required that insurance companies provide abortion services.

Now, even among the pro-choice Americans, they would suggest to you and admit to you that while they think a woman should have the right to choose, they also would agree we need to reduce the number of abortions whenever possible. But while making abortions more and more convenient, more and more available and cheaper and cheaper, that's not going to be the case. Even though abortions have been coming down year after year because young ladies have been deciding for life instead of against life, we're going to be seeing those numbers go back up again because of the wholesale subsidy of the industry.

What do I mean by that?

To comply with the accounting requirement of ObamaCare, plans will collect a $1 abortion surcharge for each premium payer. The enrollee will make two payments, $1 per month for abortion and another payment for the rest of the services. As described in the rule, the surcharge can only be disclosed to the enrollee at the time of enrollment. Furthermore, insurance plans may only advertise the total cost of the premiums without disclosing that enrollees will be charged a $1 per month fee to pay and directly subsidize abortions.

Now, that's kind of technical jargon. What does it mean?

It basically means that in the most technical sense, the premium dollars will not be used to fund abortions. What will happen is that you, as Americans, will be charged an extra fee, a surcharge, if you will. It will be booked separately, but it still flows directly to abortion services. You'll be required to do that.

Under ObamaCare, all insurance plans must cover, at no charge—to the patient, that is; charged to the taxpayer, but not to the patient—abortion-inducing drugs, contraceptives, sterilization, and patient education and counseling for women of reproductive age. Religious employers such as Catholic hospitals, Christian schools, and faith-based pregnancy care centers will have to provide and pay for such coverage for their employees regardless of their religious beliefs.

Now, Mr. Speaker, that is a direct violation of the First Amendment to the Constitution. The First Amendment to the Constitution provides that government shall establish no religion and that you should have the freedom to practice religion in any way you see fit. And we've seen this played out over the many years of this country.

For instance, the Amish are against war. It's against their conscience to fight in a war. And if, indeed, an Amish person is asked to join the military, to pick up a rifle and go fight, if he declares that it's against his religious conscience, then he is not forced to fight. And that is a well-respected and a well-observed tradition, and it's certainly right down to the very beginning of the core of the Constitution.

But for some reason we're suspending that constitutional right. That is to say that a hospital owner, an insurance company owner, a physician, even, or nurse who may choose not to provide abortion-inducing pills, certainly provide abortions themselves, or perhaps for whatever fundamental religious reasons, such as in Catholicism it's against their religion to practice sterilization or even provide birth control pills, that they cannot refuse to provide those. Now the question, of course, comes from Democrats on this, well, that means that those services will be cut off from Americans.

Well, today these institutions are not required to produce that. And does anybody have a problem finding these services and in an affordable way?

Every State has a program—it's funded both by the State and federally—to get free services with regard to obstetrical, gynecological care and prevention of pregnancy. So it already exists today. It's completely available. There's no reason that we have to force health care providers to participate in something that is against their religious or moral convictions.

□ 1530

Now, we recently had a mandate, a rule provided by the President that said, look, doesn't matter who you are or where you are or what kind of religion you practice, you're going to have

to provide the abortion or abortion-related services that we dictate to you. Then, as a result of the pushback of the Catholic Church, they said, well, we'll make an accommodation. But, Mr. Speaker, that accommodation never occurred. That was only a statement made by the President. The actual rule that was propagated is still the rule today and, in fact, it's now been finalized. Nothing was changed. It was certainly just spin put on the entire discussion of the rule.

Let's move along to broken promise number four.

President Barack Obama, September 2009, in an address to a Joint Session of Congress—and I was here—says: ''I will protect Medicare.''

Now, did he protect Medicare? Well, the first thing that ObamaCare does is it cuts $500 billion—a half a trillion dollars—from Medicare itself. I repeat, ObamaCare, the first thing it does to finance the services that it provides, it cuts $500 billion from Medicare. Part of that is taken out of the so-called Medicare Advantage program, which is a private part of Medicare where private plans like Humana Gold are provided funds. But half or more of that is simply taken out of direct services, such as home health, hospice services, many other kinds of services. So I don't see how you can remove $500 billion from Medicare and begin to say that you're going to protect it.

In fact, we Republicans have been criticized in the last year that for some reason we want to end Medicare. Nothing could be further from the truth. Republicans want to save Medicare. But because Medicare—you heard me say Medicare will become insolvent in 4 to 8 years, the experts tell us. Don't take my word for it. Go to the experts, the actuaries and the CBO. They tell us that the system runs out of money, the checks start bouncing in 4 to 8 years.

So what have our Democratic colleagues done to save Medicare? Whenever you ask them, all you hear is crickets. What is the Republican's answer to that? Well, we submitted in 2011 a budget that would not only protect Medicare, but sustain it indefinitely by the use of premium support, means testing, and many other things, and opening up Medicare to market forces so it would drive costs down and increase services. So whether you like the Republican solution or not, we do have a solution. Our Democrat friends offer no solution.

So their plan is no plan. Their plan is sticking your head in the sand. And, therefore, their plan is the one that would end Medicare.

On to broken promise number five. Senator Barack Obama, Candidate Obama, said: ''Under my plan, no family making less than $250,000 a year will see any form of tax increase.''

Well, is that true? Well, let me go down the list and you decide for yourself, Mr. Speaker:

$52 billion in fines on employers who do not provide government-approved coverage;

$32 billion in taxes on health insurance plans—not a penalty, just, simply straightforward, an excise tax which adds up to $32 billion. Mr. Speaker, if you think that your premiums are going to go down when the taxes on those companies go up, then we need to sit down and talk about it;

$5 billion in taxes from limits on over-the-counter medication;

$15 billion in taxes from limiting the deduction on itemized medical expenses—and that's to everybody, not just people who make over $200,000, $250,000 a year;

$13 billion in taxes from new limits on flexible spending accounts;

$60 billion in taxes on health insurance plans;

$27 billion in taxes on pharmaceutical companies;

$20 billion in taxes on medical device companies. We already hear of medical device companies either going out of business or moving their business overseas;

$3 billion in taxes on tanning services;

$3 billion in taxes on self-insured health plans; and

$1 billion in new penalties on health savings account distributions.

Remember that one of the most useful tools in limiting cost that has been well received by beneficiaries of private insurance has been health savings accounts, which allows you to keep your own money and spend your own money and save the first dollar expenses to insurance companies, which ultimately lowers your premiums. I know that because we instituted that about 7 years ago in our companies; and instead of having 15 percent increase year over year in our premiums, they flattened out and have never been above 3 percent per year. That means more money we can pay our employees and more benefits that they can enjoy.

But here's a couple of really important ones I think everyone needs to understand, Mr. Speaker.

In 2013, the payroll tax will increase .9 percent going to Medicare for those making $200,000 to $250,000 a year—that is to say, single filers, $200,000; a couple, $250,000.

Now, Mr. Speaker, most people hearing this might say, Well, that doesn't apply to me because I don't make $200,000 a year. But this is not indexed, which means that in a few years, through inflation, Mr. Speaker, everyone will be included in this, virtually; certainly the middle class would be.

Already today we have a similar problem called AMT, alternative minimum tax. It was designed years ago to hit the wealthy, the high-income earners. Who is it hitting today? It's hitting the middle class because it hasn't been indexed.

But that isn't the worst of it when it comes to taxes. There is a 3.8 percent tax on the sale of your assets—again, for people who make $200,000 for singles, $250,000 for a couple. Again, the question is, Well, what do I care? I sell my house, I make some money on it, but I don't make $200,000 a year. I sell my stocks, maybe I sell a business, I sell some other sort of asset. Should I worry about that? Well, maybe today you don't. The average American doesn't make $200,000, $250,000 a year. But in a few years, through inflation—and the way we're printing money these days, that should be very soon—average Americans will easily be making $200,000, $250,000. As a result, they will be captured in that. The middle class will be hurt the most by this tax.

The law also forces people to buy insurance. Then the Federal Government taxes employer-provided plans at a 40 percent rate. This tax will hit middle-income families especially hard.

So, you see, Mr. Speaker, we have a bevy of taxes, at least 10 or more that I've listed here. The vast majority of them hit the middle class and even lower than that. There's no way that this promise was ever kept, and, in my opinion, it was ever intended to be kept.

Broken promise number six, Senator Barack Obama, February 2008—again, Candidate Obama—said in Columbus, Ohio: ''If you've got health insurance, we're going to work with you to lower your premiums by $2,500 per family per year.'' I think this is perhaps the cruelest promise of all.

What has actually happened?

The annual Kaiser Family Foundation survey of employer-provided insurance found that average family premiums totaled $12,860 in 2008, $13,375 in 2009, $13,770 in 2010, and $15,073 in 2011. Premiums have already risen by $2,213 since President Obama took office, and much of that increase was as a direct result from ObamaCare. Why? Because the mandates create more cost.

Oftentimes, Mr. Speaker, folks will say to me, Well, look, if you Republicans want to repeal ObamaCare, will you keep coverage for preexisting illness? Will you keep coverage for folks who are up to 26 years old and living in their household? My answer is this: We certainly can, and, in fact, we could have been doing that all along.

□ 1540

But if, Mr. Speaker, we add more mandates, we take caps off, all that does is raise the premium. The marketplace has to deal with that one way or another. So you have to decide for yourselves, as consumers, do you want more benefits, less caps, or do you want less benefits, more caps? You're going to have to pay for it either way.

So I would say, Mr. Speaker, yes, we would love to keep those. But what we'd rather do, more than that, is to make it a choice for the American citizens. They can choose whichever one they want. If you want a plan that, for instance, has no lifetime caps, fine. But you are going to have to pay incrementally more in your premiums in order to receive that benefit.

The CBO projects that the law's new benefit mandates will raise premiums

in the individual market by $2,100 per family. The increase is because people will be forced to buy richer coverage, which will encourage them to consume even more health care.

So, you see, Mr. Speaker, the President, when he was a candidate, promised that the cost of premiums would go down by $2,500 per year per family. It has already gone up that much, so that's a spread of about $5,000 per year, and it's expected to go up even another $2,100 as ObamaCare fully kicks in.

Mr. Speaker, these are the main six points that I wanted to bring out today. In closing, I would just like to say that we'll be posting, Mr. Speaker, on our Web site these promises and the others that have been broken. And I pledge, with many of my colleagues here in the House, that we will, hopefully, the beginning of next year fully repeal ObamaCare and replace it with something that's common sense, that's market-driven, that re-establishes the doctor-patient relationship and puts the choice back into the hands of the American citizen.

PRESERVING OUR RIGHTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 30 minutes.

Mr. GOHMERT. Mr. Speaker, a couple of issues I want to address. I appreciate so much my friend, Dr. FLEMING, who has the adjoining district to mine, across the Sabine River over in Louisiana. He makes great points. We need to get the Federal Government out of the business of controlling people's health care. We need to get them back in the business of being a referee, making sure insurance companies and health care providers do the right thing, butt out of the business of dictating and controlling health care.

Very clear from ObamaCare, the IPAB, we got a board of 15 people going to dictate people's medical decisions for them, and, of course, all of the pandering back during the debate on ObamaCare how you can, as my friend Dr. FLEMING pointed out, the President, all those who mirror his comments, all those that read from the same teleprompter and say, oh no, you like your health care, you can keep it. You like your doctor, you can keep it. Well, we knew they were wrong. They were wrong.

So most people have already lost their health care exactly as they had it before if they liked it, and if they haven't yet, they will. That's why it was a good idea, not only to repeal the provision on that board that will dictate people's lives, what health care they can have, what they can't have. That was a good idea.

We need to repeal the whole bill. It is unconstitutional, and of course the President did us a wonderful favor by showing what many of us knew, that if ObamaCare is considered constitutional—it's not, but if the courts considered it that way—then it is very clear, the President believes, and I think, under the bill, he has the authority to step on, suppress, override people's individual liberties and freedoms.

We were assured by our Founders that we were endowed by our Creator with certain unalienable rights, among those, life, liberty, and the pursuit of happiness. Well, ObamaCare modifies that to the extent that you can have life, liberty, and pursuit of happiness only if it meets with the approval of the administration in power and the people they've put on IPAB, and what they have to say about whether you're too old to have a treatment, whether, or, like the President said in one of his town halls to a lady that said, will you at least consider the quality of life on people like my mother and whether she could get a pacemaker since she'd lived for 10 years with the pacemaker. And he said, ultimately, you know, maybe we're just better off telling your mother just take a pain pill. The part that he didn't say is take the pain pill and die. Don't live 10 years, because that's what ObamaCare will do for us.

So, hopefully, the Supreme Court Justices that will take this up and consider it will also realize that since ObamaCare gives the President the power to override the Constitution and prohibit the free exercise of religion—I'm Baptist, but, obviously, it does clearly restrict the free exercise of individual Catholics, of Catholic institutions, and that's because the President says so, because ObamaCare gives him the power to do that.

I hope that the Supreme Court Justices will take note of that. They could take judicial notice of what has been publicly done and by order, and take note of the fact that since our freedom of religion is clearly expressed in the first part of the First Amendment, and it's there in black and white, the government's not to prohibit the free exercise of religion.

And since the ''privacy rights,'' as the Supreme Court has come to call them, are not written in the Constitution, they were somehow found in the shadow of a penumbra somewhere and, gee, if ObamaCare gives the President the power to override people's constitutional rights, for rights that are put in stated words in the Constitution, then it's certainly going to give some redneck President down the road the right to just say, you know what, the privacy rights aren't even there, and so we're setting those aside too. Just like I set aside Catholics and other religious beliefs, now we have the power to set aside a right that's not even mentioned in the Constitution.

And it ought to scare every thinking liberal—we won't get the ones that don't think—but every thinking liberal ought to have that go to their core and give them goose bumps.

Oh, my goodness. I didn't think about some redneck person possibly getting—becoming—President because at some point the American people are going to get so fed up with having Washington dictate all of their individual decisions that they may just elect the biggest redneck they can get.

And because the Supreme Court, if it were to do the unthinkable and rule ObamaCare as constitutional, then the administration will have not only a right, they will have a duty to dictate to people how they can live, because if the Federal Government has the right, under the Constitution, to control all our health care, putting some providers out of business, picking winners and losers, telling who gets a pain pill, who gets a pacemaker, if they have the right to do that, the government has a duty to tell every person how they can live.

We're told that the Federal Government, if it wanted to, could look at every debit purchase, every credit card purchase. I mean, I got in this discussion with some government attorneys back before I ever got to Congress; and they were saying, look, if banks have the right to review all of your banking records, why shouldn't the government? I explained because the government can put us in jail and a bank can't. That's why there are protections against the government.

But ObamaCare will give the government control of our health care; and, therefore, at some point it will only make sense that they live up to their duty to say, you know what? Of course, under ObamaCare the Federal Government will have every person's health care records. It becomes the repository for everyone's most private information about their lives.

□ 1550

There's nothing in mine I'm worried about, but it is quite bothersome to think that there is nothing that can be private from the Federal Government once they have all of everybody's health care records.

Well, if they've got everybody's health care records, wouldn't it make sense at some point down the road to say: You know what? You're costing us too much money. You're not living properly. And we noted that in your health care records, you've got a 280 cholesterol level, and then we noticed you went to the grocery store and bought a pound of bacon this weekend, so we're going to have to change your health care, change the charges.

Folks, that is a reasonable conclusion of where ObamaCare has to take us if it's ruled constitutional. It's got to stop.

One other thing I want to mention, Mr. Speaker. It's been reported today in a couple of places, one in my friend Breitbart's online news blurb from A.W.R. Hawkins; another is from The Washington Post. Two different ends of the spectrum, perhaps. They're both reporting the same thing: that this administration, through Secretary Hillary Clinton, is going to announce that

it could care less what Congress has ordered about helping the enemies of Israel, about helping those who are terrorizing and persecuting Christians in Egypt and destroying churches and eliminating freedom of religion, and are saying they want to rethink their peace accord with Israel and setting themselves up to be the enemy of Israel. And now this administration, knowing that Congress passed a law that says you can't give people money in Egypt unless you can certify to certain facts—and they cannot, not honestly. If they do so now with what we know publicly, we know they will not be honest in doing so, and they're going to give $1.5 billion, not in humanitarian aid, according to this story, not food—military aid.

So forget all of those speeches that this President gave at AIPAC: Oh, gosh. We're Israel's best friend. We're going to help them. Because, oh, no, we're going to give people who have the power to destroy Israel, on the border with Israel, military aid, as they are planning—many there make it clear they hate Israel, they hate us, and I've said over and over: We don't have to pay people to hate us. They'll do it for free.

We have to quit funding the enemy of us and the enemy of our friends. This is insane. And I hope somewhere in this administration is a cooler head that will say, Mr. President, Madam Secretary, Israel is our friend. Remember the speeches you've both given about what a friend they are? And it's time that we do not provide military aid, abetting, and assistance to people that want to destroy Christians, that want to destroy Israelis, and that want to put the world in turmoil and have everyone living exactly as they dictate. We want to keep some freedoms here and in Israel, and the way to do that is not to fund and provide military assistance to anyone unless we know they are our friend, they're Israel's friend, they're the friends of our friends.

To do otherwise will bring calamity on this country like they will not realize until it's too late.

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. JACKSON of Illinois (at the request of Ms. PELOSI) for today on account of travel delays.

Mr. MARCHANT (at the request of Mr. CANTOR) for today on account of the death of his father.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 886. An act 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.

BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reported that on March 08, 2012, she presented to the President of the United States, for his approval, the following bill.

H.R. 4105. To apply the countervailing duty provisions of the Tariff Act of 1930 to nonmarket economy countries, and for other purposes.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until Monday, March 26, 2012, at noon for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5367. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pyroxasulfone; Pesticide Tolerances [EPA-HQ-OPP-2009-0717; FRL-9334-2] received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5368. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2012-0003] [Internal Agency Docket No. FEMA-8219] received February 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5369. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Removal of the Indian HOME Investment Partnerships Program Regulation [Doc. No.: FR-5568-F-01] (RIN: 2577-AC87) received February 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5370. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Final Priority; Safe and Healthy Students Discretionary Grant Programs received February 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5371. A letter from the Deputy Director for Policy, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits received March 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5372. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Weatherization Assistance for Low-Income Persons: Maintaining the Privacy of Applicants for and Recipients of Services [Docket No.: EEWAP0130] (RIN: 1904-AC16) received February 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5373. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Application, Review, and Reporting Process for Waivers for State Innovation [CMS-9987-F] (RIN: 0938-AQ75) received February 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5374. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicaid Program; Review and Approval Process for Section 1115 Demonstrations [CMS-2325-F] (RIN: 0938-AQ46) received February 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5375. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Cardiovascular Devices; Classification of the Endovascular Suturing System [Docket No.: FDA-2012-N-0091] received February 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5376. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; District of Columbia, Maryland, and Virginia; Determinations of Attainment of the 1997 8-Hour Ozone National Ambient Air Quality Standard for the Washington, DC-MD-VA 8-Hour Ozone Moderate Nonattainment Area [EPA-R03-OAR-2010-0986; FRL-9634-6] received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5377. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Arkansas; Regional Haze State Implementation Plan; Interstate Transport State Implementation Plan to Address Pollution Affecting Visibility and Regional Haze [EPA-R06-OAR-2008-0727; FRL-9637-4] received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5378. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New York; Motor Vehicle Enhanced Inspection and Maintenance Program [Docket No.: EPA-R02-OAR-2011-0687, FRL-9635-4] received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5379. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [EPA-R07-OAR-2011-0995; FRL-9634-8] received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5380. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Tennessee: Prevention of Significant Deterioration; Greenhouse Gas Tailoring Rule Revision [EPA-R04-OAR-2010-0696-201202; FRL-9635-6] received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5381. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Tennessee: Prevention of Significant Deterioration; Greenhouse Gases-Automatic Rescission Provisions [EPA-R04-OAR-2010-0696-201202(a); FRL-9636-8] received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5382. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Air Quality Implementation Plans; California; San Joaquin Valley; Attainment Plan for 1997 8-Hour Ozone Stanards [EPA-R09-OAR-2011-0589; FRL-9624-5] received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5383. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Air Quality Implementation Plans; California; South Coast; Attainment Plan for 1997 8-Hour Ozone Standards [EPA-R09-OAR-2011-0622; FRL-9624-6] received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5384. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of Nevada, Nevada Division of Environmental Protection [EPA-R09-OAR-2012-0117; FRL-9635-7] received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5385. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Idaho: Final Approval of State Underground Storage Tank Program [EPA-R10-UST-2011-0896; FRL-9640-1] received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5386. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District and San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2012-0020; FRL-9634-3] received February 13, 2012, pursuant to a U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5387. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Transportation Conformity Rule: MOVES Regional Grace Period Extension [EPA-HQ-OAR-2011-0393; FRL-9636-5] (RIN: 2060-AR03) received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5388. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Women-Owned Small Business (WOSB) Program [FAC 2005-56; FAR Case 2010-015; Item I; Docket 2010-0015, Sequence 1] (RIN: 9000-AL97) received February 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5389. A letter from the Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — General Services Administration Acquisition Regulation; Acquisition-Related Thresholds [GSAR Amendment 2012-02; GSAR Case 2011-G502; (Change 54) Docket No. 2012-0003, Sequence 1] (RIN: 3090-AJ24) received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5390. A letter from the Chief, Branch of Endangered Species Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Rayed Bean and Snuffbox Mussels Throughout Their Ranges [Docket No.: FWS-R3-ES-2010-0019] (RIN: 1018-AV96) received February 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5391. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hawker Beechcraft Corporation Models 1900, 1900C, and 1900D Airplanes [Docket No.: FAA-2012-0014; Directorate Identifier 2011-CE-044-AD; Amendment 39-16915; AD 2011-27-51] (RIN: 2120-AA64) received February 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5392. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company Turbofan Engines [Docket No.: FAA-2011-0599; Directorate Identifier 2011-NE-19-AD; Amendment 39-16922; AD 2012-01-10] (RIN: 2120-AA64) received February 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5393. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cirrus Design Corporation Airplanes [Docket No.: FAA-2011-1212; Directorate Identifier 2011-CE-034-AD; Amendment 39-16923; AD 2012-01-11] (RIN: 2120-AA64) received February 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5394. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; 328 Support Services GmbH Airplanes [Docket No.: FAA-2011-0995; Directorate Identifier 2010-NM-243-AD; Amendment 39-16920; AD 2012-01-08] (RIN: 2120-AA64) received February 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5395. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airlines [Docket No.: FAA-2011-0219; Directorate Identifier 2010-NM-228-AD; Amendment 39-16921; AD 2012-01-09] (RIN: 2120-AA64) received February 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5396. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Marine Sanitation Devices (MSDs): Regulation to Establish a No Discharge Zone (NDZ) for California State Marine Waters [EPA-R09-OW-2010-0438; FRL-9633-9] (RIN: 2009-AA04) received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BONNER: Committee on Ethics. In the Matter Regarding Arrests of Members of the House During a Protest Outside the Embassy of Sudan in Washington, DC., on March 16, 2012 (Rept. 112–419). Referred to the House Calendar.

Mr. HALL: Committee on Science, Space, and Technology. H.R. 3834. A bill to amend the High-Performance Computing Act of 1991 to authorize activities for support of networking and information technology research, and for other purposes, with an amendment (Rept. 112–420). 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. MICA (for himself, Mr. CAMP, and Mr. DUNCAN of Tennessee):

H.R. 4239. A bill to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, Natural Resources, Science, Space, and Technology, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself, Mr. BERMAN, Mr. SMITH of New Jersey, Mr. ACKERMAN, Mr. BURTON of Indiana, Mr. FALEOMAVAEGA, Mr. ROHRABACHER, Mr. MANZULLO, Mr. SHERMAN, Mr. ROYCE, Mr. SIRES, Mr. WOLF, Mr. DEUTCH, Mr. CHABOT, Mrs. SCHMIDT, Mr. POE of Texas, Mr. TURNER of New York, Mr. MCGOVERN, Mr. KELLY, Mr. FORTENBERRY, Mr. MEEKS, and Mr. ENGEL):

H.R. 4240. A bill to reauthorize the North Korean Human Rights Act of 2004, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SAM JOHNSON of Texas (for himself and Mr. LARSON of Connecticut):

H.R. 4241. A bill to amend the Internal Revenue Code of 1986 to provide tax benefits to individuals who have been wrongfully incarcerated; to the Committee on Ways and Means.

By Mr. HECK:

H.R. 4242. A bill to repeal the Patient Protection and Affordable Care Act, to amend the Public Health Service Act to provide individual and group market reforms to protect health insurance consumers, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, the Judiciary, Natural Resources, Rules, House Administration, and Appropriations, 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. TURNER of Ohio (for himself and Mr. MILLER of Florida):

H.R. 4243. A bill to strengthen the North Atlantic Treaty Organization; to the Committee on Foreign Affairs.

By Mr. BILBRAY:

H.R. 4244. A bill to direct the Secretary of the Interior to issue a final decision whether or not to issue a permit under the Endangered Species Act of 1973 authorizing construction of an elementary school in San

Diego, California; to the Committee on Natural Resources.

By Mr. DEFAZIO:

H.R. 4245. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to reimburse eligible veterans who are entitled to Medicare benefits for Medicare deductibles and other expenses that are owed by the veterans for emergency medical treatment provided in non-Department of Veterans Affairs facilities; to the Committee on Veterans' Affairs.

By Mr. DEFAZIO:

H.R. 4246. A bill to amend title 38, United States Code, to provide for the expansion of eligibility for veteran reimbursement for emergency treatment provided in non-Department of Veterans Affairs facilities; to the Committee on Veterans' Affairs.

By Mr. ENGEL (for himself, Ms. NORTON, and Mr. NADLER):

H.R. 4247. A bill to amend the Communications Act of 1934 to prohibit mobile service providers from providing service on mobile electronic devices that have been reported stolen and to require such providers to give consumers the ability to remotely delete data from mobile electronic devices, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FITZPATRICK:

H.R. 4248. A bill to authorize the burial at Arlington National Cemetery of members of the Army who served honorably in the Tomb Guard Platoon of the 3d United States Infantry Regiment, which provides the sentinels at the Tomb of the Unknowns at Arlington National Cemetery; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HOCHUL (for herself, Mr. KISSELL, Mr. PETERS, Mr. CARSON of Indiana, Mr. NADLER, and Mr. CARNAHAN):

H.R. 4249. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax as an incentive to partner with educational institutions to provide skills training for students; to the Committee on Ways and Means.

By Mr. DANIEL E. LUNGREN of California:

H.R. 4250. A bill to amend the Internal Revenue Code of 1986 to provide a 3-year extension of the exclusion of income from the discharge of indebtedness on qualified principal residences; to the Committee on Ways and Means.

By Mrs. MILLER of Michigan (for herself, Mr. KING of New York, Mr. CUELLAR, Mr. MCCAUL, and Mr. CLARKE of Michigan):

H.R. 4251. A bill to authorize, enhance, and reform certain port security programs through increased efficiency and risk-based coordination within the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security.

By Mr. PALLONE:

H.R. 4252. A bill to amend the Internal Revenue Code of 1986 to expand and simplify the credit for employee health insurance expenses of small employers; to the Committee on Ways and Means.

By Mr. PAULSEN (for himself and Mr. GRIMM):

H.R. 4253. A bill to amend the Low-Income Housing Preservation and Resident Homeownership Act of 1990; to the Committee on Financial Services.

By Mr. STARK:

H.R. 4254. A bill to amend title XVIII of the Social Security Act to enhance Medicare Advantage program integrity; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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. WHITFIELD (for himself, Mr. BARTON of Texas, Mr. BARROW, Mr. SULLIVAN, Mr. COBLE, Mr. CARTER, Mr. GRIFFITH of Virginia, Mr. HARRIS, Mrs. LUMMIS, Mr. LONG, Mr. CRAVAACK, Mr. LATTA, Mr. BURGESS, Mr. MCKINLEY, Mr. ROGERS of Michigan, Mrs. CAPITO, Mr. GUTHRIE, Mr. POMPEO, Mr. WESTMORELAND, and Mr. BROOKS):

H.R. 4255. A bill to prohibit the Administrator of the Environmental Protection Agency from awarding any grant, contract, cooperative agreement, or other financial assistance under section 103 of the Clean Air Act for any program, project, or activity to occur outside the United States and its territories and possessions; to the Committee on Energy and Commerce, and in addition to the Committee on Science, Space, and Technology, 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 Mrs. ADAMS (for herself, Mr. ROSS of Florida, Mr. WEST, Mr. KING of Iowa, Mr. SOUTHERLAND, Mr. NUGENT, Mr. AUSTIN SCOTT of Georgia, Mr. SCHILLING, Mr. BUCSHON, Mr. BARLETTA, Mr. REED, Mr. FLORES, Mr. GOHMERT, and Mr. AMODEI):

H. Con. Res. 110. Concurrent resolution expressing the sense of Congress that the President should not interpret or construe the Defense Production Act of 1950 to authorize the President or any Federal department or agency to confiscate personal or private property, to force conscription into the Armed Forces on the American people, to force civilians to engage in labor against their will or without compensation, or to force private businesses to relinquish goods or services without compensation; to the Committee on Financial Services.

By Ms. HOCHUL (for herself, Mr. SHIMKUS, Mr. MICHAUD, Mr. KIND, Mr. HARPER, and Mr. YOUNG of Indiana):

H. Con. Res. 111. Concurrent resolution expressing the sense of Congress that a site in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the 14 members of the Army's 24th Infantry Division who have received the Medal of Honor; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL (for himself, Mr. GENE GREEN of Texas, Mr. YOUNG of Alaska, Ms. LEE of California, Mr. GRIJALVA, Mr. TOWNS, Mr. COHEN, Mr. SMITH of Washington, Ms. SCHAKOWSKY, and Mrs. MALONEY):

H. Res. 594. A resolution commending the progress made by anti-tuberculosis programs; to the Committee on Foreign Affairs, and in addition to the Committee on Energy and Commerce, 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.

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. MICA:

H.R. 4239.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1, Clause 3, Clause 7, and Clause 18.

By Ms. ROS-LEHTINEN:

H.R. 4240.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. SAM JOHNSON of Texas:

H.R. 4241.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. HECK:

H.R. 4242.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3: The Congress shall have Power To . . . regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

and

Article I, Section 8, Clause 18: . . . make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof.

By Mr. TURNER of Ohio:

H.R. 4243.

Congress has the power to enact this legislation pursuant to the following:

Clauses 1, 14, and 18 of Section 8 of Article I of the Constitution

By Mr. BILBRAY:

H.R. 4244.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Powers of Congress

By Mr. DEFAZIO:

H.R. 4245.

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. DEFAZIO:

H.R. 4246.

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 the United States Constitution

By Mr. ENGEL:

H.R. 4247.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 1 of the Constitution. Congress has the power to enact this legislation, as well, under Article 1, Section 8, Clauses 1, 3 and 18.

By Mr. FITZPATRICK:

H.R. 4248.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8 of the United States Constitution

(clauses 12, 13, 14, and 16), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; and to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the Service of the United States.

By Ms. HOCHUL:

H.R. 4249.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact the Workforce-Ready Educate America Act pursuant to Clause 1 of Section 8 of Article I of the Constitution of the United States.

By Mr. DANIEL E. LUNGREN of California:

H.R. 4250.

Congress has the power to enact this legislation pursuant to the following:

The amendment to the Internal Revenue Code to amend the Internal Revenue Code 1986 to provide a 3 year extension of the exclusion of income from the discharge of indebtedness on qualified principal residences is authorized by Article 1 Section 8 to Lay and collect taxes.

By Mrs. MILLER of Michigan:

H.R. 4251.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8, Clause 1; Article I, Section 8, Clause 3; and Article I, Section 8, Clause 18 of the Constitution of the United States.

By Mr. PALLONE:

H.R. 4252.

Congress has the power to enact this legislation pursuant to the following:

section 8 of article I of the Constitution.

By Mr. PAULSEN:

H.R. 4253.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8.

By Mr. STARK:

H.R. 4254.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 7.

By Mr. WHITFIELD:

H.R. 4255.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of §8 of Article I of the Constitution

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 9: Mr. SCHILLING, Mrs. BIGGERT, Mr. FRANKS of Arizona, Mrs. MILLER of Michigan, Mr. REED, Mr. CAMP, Mr. MCCAUL, Mr. GUINTA, Mr. LATTA, Mr. GRAVES of Missouri, and Mr. SCHOCK.

H.R. 14: Mr. JOHNSON of Georgia, Mr. CLEAVER, Mr. LEVIN, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. MARKEY, Mr. SARBANES, Ms. LEE of California, Mr. HEINRICH, Mr. SCHRADER, Mr. ELLISON, Mr. DAVIS of Illinois, Mr. KILDEE, and Mr. PETERS.

H.R. 104: Mr. REYES.

H.R. 198: Mr. BUCHANAN.

H.R. 324: Ms. LORETTA SANCHEZ of California and Mr. JOHNSON of Ohio.

H.R. 327: Ms. LORETTA SANCHEZ of California.

H.R. 329: Mr. HASTINGS of Florida.

H.R. 531: Mr. ISRAEL, Mr. HASTINGS of Florida, and Mr. COURTNEY.

H.R. 718: Mr. HINOJOSA, Ms. DEGETTE, and Mr. CONYERS.

H.R. 719: Mr. RAHALL, Mr. ALTMIRE, Ms. BROWN of Florida, Ms. SLAUGHTER, Mr. BOSWELL, Mr. SMITH of Nebraska, and Mrs. NOEM.

H.R. 750: Mr. ROONEY.

H.R. 885: Mr. GENE GREEN of Texas.

H.R. 890: Mr. BLUMENAUER and Ms. SPEIER.

H.R. 893: Mr. SCHRADER.

H.R. 927: Mr. MURPHY of Connecticut.

H.R. 1005: Mr. FITZPATRICK and Mr. DENT.

H.R. 1048: Mr. FATTAH, Mr. HINOJOSA, Mr. DOYLE, Mr. COHEN, Ms. BONAMICI, and Mr. REYES.

H.R. 1236: Mr. HINOJOSA.

H.R. 1265: Mr. BERG.

H.R. 1325: Mr. ALTMIRE.

H.R. 1339: Mr. BASS of New Hampshire, Mr. TIBERI, and Mr. CULBERSON.

H.R. 1340: Mr. GALLEGLY.

H.R. 1398: Mr. SCHILLING.

H.R. 1418: Ms. ESHOO.

H.R. 1479: Mr. THOMPSON of California.

H.R. 1483: Ms. KAPTUR.

H.R. 1505: Mrs. BACHMANN.

H.R. 1575: Mr. CONNOLLY of Virginia.

H.R. 1648: Ms. VELÁZQUEZ.

H.R. 1675: Mr. THORNBERRY.

H.R. 1739: Mr. BUCSHON.

H.R. 1742: Mr. WHITFIELD, Mr. SCOTT of Virginia, Ms. PINGREE of Maine, and Mr. ROTHMAN of New Jersey.

H.R. 1747: Mr. TERRY.

H.R. 1781: Ms. DEGETTE.

H.R. 1860: Mr. BOREN.

H.R. 1876: Mr. REYES.

H.R. 1895: Ms. WOOLSEY, Ms. DELAURO, Mr. WELCH, Mr. GONZALEZ, Mr. OLVER, and Mr. ELLISON.

H.R. 1917: Mr. STARK.

H.R. 1919: Ms. SPEIER, Mr. MORAN, Mr. THOMPSON of California, Mr. MCGOVERN, and Ms. BONAMICI.

H.R. 1960: Mr. LOEBSACK and Mr. FORTENBERRY.

H.R. 1996: Mrs. CAPITO.

H.R. 2020: Mr. DEUTCH.

H.R. 2033: Mr. ROTHMAN of New Jersey.

H.R. 2051: Mr. WALBERG and Ms. NORTON.

H.R. 2088: Ms. DEGETTE.

H.R. 2229: Mr. LUJÁN, Mr. MCDERMOTT, and Mr. HASTINGS of Florida.

H.R. 2248: Mr. TIERNEY.

H.R. 2310: Mr. COHEN.

H.R. 2311: Ms. JACKSON LEE of Texas.

H.R. 2335: Mr. HASTINGS of Washington and Mr. CAMP.

H.R. 2502: Mr. KILDEE.

H.R. 2541: Mr. COFFMAN of Colorado and Mr. SOUTHERLAND.

H.R. 2543: Mr. DEUTCH.

H.R. 2593: Mr. COHEN.

H.R. 2655: Mr. JOHNSON of Ohio.

H.R. 2659: Mr. GUTIERREZ and Mr. ELLISON.

H.R. 2688: Mr. QUIGLEY.

H.R. 2697: Mr. SCHRADER.

H.R. 2765: Mr. COSTA.

H.R. 2925: Mr. THOMPSON of California.

H.R. 2960: Mr. BISHOP of New York and Mr. TOWNS.

H.R. 2969: Mr. HASTINGS of Florida and Mr. DEUTCH.

H.R. 3059: Mr. SHUSTER, Mr. MARCHANT, and Mr. BUCHANAN.

H.R. 3098: Mr. GINGREY of Georgia, Mr. LAMBORN, Mr. LANKFORD, Mr. SAM JOHNSON of Texas, and Mr. WESTMORELAND.

H.R. 3145: Mr. RANGEL.

H.R. 3179: Mr. QUIGLEY Mr. LATOURETTE, Mr. GRIMM, Mr. CRENSHAW, Mr. OLSON, and Mr. RIGELL.

H.R. 3187: Ms. BERKLEY.

H.R. 3252: Mr. ENGEL.

H.R. 3264: Mr. SOUTHERLAND and Mr. LABRADOR.

H.R. 3269: Mr. GUTIERREZ, Mr. DOLD, and Mr. BARTLETT.

H.R. 3283: Mr. MEEKS and Mr. CARNEY.

H.R. 3286: Ms. SEWELL.

H.R. 3313: Ms. PINGREE of Maine.

H.R. 3364: Mr. BISHOP of New York, Mr. MICHAUD, Mr. CARNAHAN, Ms. ROS-LEHTINEN, Ms. LINDA T. SÁNCHEZ of California, Mr. OLVER, Mr. FILNER, and Mr. THOMPSON of California.

H.R. 3365: Mr. ROTHMAN of New Jersey.

H.R. 3395: Mr. MORAN.

H.R. 3461: Mr. CAMP, Mr. GIBSON, Mr. WILSON of South Carolina, and Mr. GERLACH.

H.R. 3486: Mr. SCHOCK.

H.R. 3523: Mr. ROSS of Arkansas, Mr. COOPER, Mr. PITTS, and Mr. RUNYAN.

H.R. 3596: Ms. SCHWARTZ, Ms. ROYBAL-ALLARD, and Ms. ESHOO.

H.R. 3609: Mr. POE of Texas.

H.R. 3612: Mr. AL GREEN of Texas.

H.R. 3661: Mr. KIND.

H.R. 3695: Ms. BASS of California.

H.R. 3713: Mr. PETERS, Ms. WOOLSEY, and Mr. FARR.

H.R. 3735: Mr. RIVERA.

H.R. 3767: Mr. WALBERG and Mr. COOPER.

H.R. 3783: Mr. GOWDY.

H.R. 3798: Mr. ACKERMAN, Mrs. CAPPS, Ms. NORTON, Mr. GRIJALVA, Mr. RIVERA, and Mr. MICHAUD.

H.R. 3826: Ms. VELÁZQUEZ and Mr. PERLMUTTER.

H.R. 3828: Mr. BACHUS and Mr. GOODLATTE.

H.R. 3831: Mr. BRALEY of Iowa.

H.R. 3849: Mr. CALVERT.

H.R. 3873: Mrs. MALONEY.

H.R. 4011: Mr. POLIS.

H.R. 4018: Mr. DENT, Ms. SCHWARTZ, and Mr. MICHAUD.

H.R. 4032: Ms. FUDGE.

H.R. 4040: Mr. BROUN of Georgia, Ms. BUERKLE, Mr. COLE, Mr. DESJARLAIS, Mr. DEUTCH, Mr. GARDNER, Ms. KAPTUR, Mr. LATHAM, Mr. MCNERNEY, Ms. MOORE, Mr. POE of Texas, and Ms. TSONGAS.

H.R. 4045: Mr. THORNBERRY, Mr. LATHAM, Mr. ANDREWS, Mr. SIMPSON, Mr. COLE, Mrs. EMERSON, Ms. BORDALLO, Mr. FORBES, Mr. WITTMAN, Mr. COFFMAN of Colorado, Mr. COOPER, and Mr. WILSON of South Carolina.

H.R. 4070: Mr. RUNYAN, Ms. SCHWARTZ, and Mr. FORBES.

H.R. 4076: Mr. GARY G. MILLER of California and Mr. STARK.

H.R. 4077: Mr. CARTER.

H.R. 4081: Ms. HERRERA BEUTLER.

H.R. 4089: Mr. WITTMAN.

H.R. 4094: Mr. FORBES.

H.R. 4099: Mr. BOSWELL, Mr. BRALEY of Iowa, Mr. LATHAM, Mr. LOEBSACK, Mr. MURPHY of Connecticut, Mr. PETRI, and Mr. WOLF.

H.R. 4103: Mr. FALEOMAVAEGA, Mr. COHEN, Ms. ROYBAL-ALLARD, Mr. GRIMM, and Mr. NADLER.

H.R. 4107: Mr. CRITZ.

H.R. 4120: Mr. BACHUS, Mr. MORAN, Mr. BOSWELL, Mr. MCGOVERN, Mr. OLVER, Mr. FRANK of Massachusetts, Mr. SCHRADER, and Ms. NORTON.

H.R. 4124: Mr. GERLACH.

H.R. 4125: Mr. FORBES.

H.R. 4132: Mr. BURGESS.

H.R. 4134: Mr. SCHRADER.

H.R. 4157: Mr. LUETKEMEYER and Mr. ROONEY.

H.R. 4158: Mr. AKIN, Mrs. BIGGERT, Mr. WALSH of Illinois, Mr. SESSIONS, and Mr. DOLD.

H.R. 4160: Mr. LAMBORN and Mrs. HARTZLER.

H.R. 4168: Mr. HECK.

H.R. 4169: Mr. GONZALEZ, Ms. BUERKLE, and Ms. PINGREE of Maine.

H.R. 4171: Mr. WESTMORELAND.

H.R. 4192: Mr. ROTHMAN of New Jersey, Mr. KEATING, Mrs. MALONEY, and Mr. DEUTCH.

H.R. 4196: Ms. LINDA T. SÁNCHEZ of California, Mr. BOUSTANY, Mr. PETERS, Mr. GINGREY of Georgia, Mr. SULLIVAN, and Ms. BERKLEY.

H.R. 4212: Ms. WILSON of Florida, Mr. RIVERA, and Mr. ROSS of Florida.

H.R. 4221: Mr. MCDERMOTT.

H.R. 4231: Mr. WELCH.

H.R. 4235: Mr. CRAWFORD and Ms. SEWELL.

H.J. Res. 80: Ms. ZOE LOFGREN of California.

H. Con. Res. 87: Mr. SABLAN.

H. Con. Res. 101: Mr. BONNER.

H. Con. Res. 107: Mr. DUNCAN of South Carolina.

H. Res. 333: Mr. PETRI.

H. Res. 484: Ms. ROS-LEHTINEN, Mr. WOLF, Ms. SCHAKOWSKY, Mr. CALVERT, Ms. ESHOO, Mr. OLVER, and Mr. GENE GREEN of Texas.

H. Res. 490: Mr. GUTHRIE.

H. Res. 560: Mr. KUCINICH.

H. Res. 583: Mr. SHERMAN, Mr. VAN HOLLEN, Mr. CAPUANO, Ms. BUERKLE, Mr. MILLER of North Carolina, and Ms. BASS of California.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158 WASHINGTON, THURSDAY, MARCH 22, 2012 No. 48

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, the captain of our souls, You know every temptation and trial we face. Give our lawmakers today the wisdom to be good stewards of the bounties You have given and to trust You to deliver them from evil. Make them pure enough to use wisely the wealth we call ours, as they remember that to whom much is given, much will be required. Allow no hunger for attainment nor thirst of ambition to drive them to align themselves with wrong. Lord, strengthen them to serve You this day with right choices and unswerving loyalty.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL 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 22, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business for 1 hour. The majority will control the first half, the Republicans the final half.

Following that morning business, the Senate will resume consideration of the capital formation bill.

The filing deadline for second-degree amendments to the motion to concur with respect to the STOCK Act is 10:30 this morning.

At about 12:30 p.m. today, there will be seven rollcall votes, including completion of the IPO bill, the STOCK Act, and three judicial nominations.

JOBS CREATION

Mr. REID. Mr. President, I was disappointed to see in the newspaper this morning and hear on the news that Republicans in the House have decided to not mess with our highway bill—a bill on which we spent 5 weeks. The highway bill is a piece of bipartisan legislation that will save a great 2.8 million jobs. The House of Representatives is so disorganized and in such a state of disrepair that they can't even extend the highway bill. I don't know what is in their minds.

This program was started by a radical liberal Dwight Eisenhower, who decided after having brought—as a major under orders from his commander—a caravan of military vehicles across the country that the roads were awful. So he remembered that all during his military service. When he became President of the United States, he decided something needed to be done about that. The Interstate Highway System was the brainchild of Dwight Eisenhower. Now the Republicans in the House are talking as if it is some socialist program that was developed at Harvard or some other radically liberal place. I can't imagine what their mindset is.

BARBARA BOXER, one of the most liberal Members of this body, and JIM INHOFE, one of the most conservative Members, came together on a bill that we passed on a bipartisan basis in the Senate. The vast majority of the Democrats voted for it, and the vast majority of Republicans voted for it. It is a good bill that will save or create 2.8 million jobs. But over in that big dark hole we now refer to as the tea party-dominated House of Representatives, they couldn't do it. They couldn't agree on it. They couldn't agree even on their own bill. They destroyed their own bill. Now they will not even agree to take up our bill.

The funding for our highway system terminates at the end of this month. I am not inclined to go for the short-term extension they are going to send to us. They are going to have to feel the heat of the American people—they meaning the tea party-driven House of Representatives.

The initial public offering legislation will be on the floor and debated for the last time in just a short time. It will pass. The bill is far from perfect, but it is a good bill. It will help capital formation, and I am glad we are able to pass it on to the House. I am hopeful, with the good work done by Senator MERKLEY, Senator WARNER, Senator BENNET and others, the minority will wrap their arms around this and pass it. I hope they will agree to pass the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

Reed amendment. We will soon know about that. The bill is going to be gone and sent to the President soon if the House agrees to pass this legislation.

HEALTH CARE

Mr. REID. Mr. President, 2 years ago tomorrow President Obama signed the Patient Protection and Affordable Care Act into law. It was the greatest single step in generations toward ensuring access to affordable quality health care for every American, regardless of where they live or how much money they make.

Millions and millions of Americans have already felt the benefit of this law. Seniors are saving money—millions and millions of dollars—on their prescriptions and their free checkups. The doughnut hole is rapidly disappearing because of this law.

Insurance companies can no longer set arbitrary lifetime caps on benefits, putting millions of Americans one car accident or heart attack away from bankruptcy. People think they are in good shape; they have a health insurance policy. Then they get into a car accident or they get cancer or some other dread disease and they are in the process of being taken care of and they are told their bills are not going to be paid anymore; their limit is $10,000 or $50,000 and insurance stopped paying the benefits.

Under this legislation that can no longer be done. That is why the President signed the bill. Under this legislation that is now law, children can no longer be denied insurance because they have preexisting conditions. The protection will soon extend to all Americans, and in 2 short years—in fact, less time than that—virtually every man, woman, and child in America will have access to the health insurance they can afford and the vital care they need. They will have the same kind of insurance the Presiding Officer and I have—basically the same insurance. People rail against this plan of President Obama's. I haven't seen a single one of the Republicans rail against this law saying: We don't want our insurance because it is government insurance.

Every Member of the Senate has the same insurance that we are by law giving to everyone in America. So my Republican colleagues who berate this bill, let them drop their government insurance. If they hate this coverage so much that we are trying to give to the American people, they can drop what they have because it is the same thing basically.

No longer will hundreds of millions of Americans live in fear of losing their insurance because they lose their jobs, and no longer will tens of millions rely on the only care they know exists—an emergency room. The most expensive care in America is an emergency room visit. Some people go without care because they have no insurance at all.

This is not just a story I have heard from other people. There are people today who have no insurance just like my family had no insurance when I was growing up. We didn't go to the doctor. We had no insurance. The only time I can remember going to the doctor was when I was deathly ill—literally deathly ill.

My parents had no car, and I had something wrong. I had been sick for a long time. My brother had somebody visit him, and my mother asked if they would be good enough to take us over to the hospital, which was 50 miles away. They did, and I had a growth on one of my intestines. I was very, very sick.

There are many people today just like I was as a little boy; they have no insurance, and they may have the same situation I had, with no transportation and having a visitor take them to the nearest emergency room. That is what happened to me. In my case, the emergency room was 50 miles away.

Unfortunately, Republicans continue to target the rights and benefits guaranteed under that law. If Republicans have their way, insurance companies will once again be allowed to deny care to sick children because they have asthma or diabetes or some of the other situations young people get. In Nevada, thousands of children with preexisting conditions would once again be at the whim of insurance companies that care more about making money than about making people better. If Republicans have their way, young adults just out of college will be kicked off their parents' insurance plans. That is also something I know exists today.

In the little town of Searchlight, where I have my home, a young man named Jeff wanted to go to school. He started at community college and was doing pretty well when he got pain in his groin. At first it started out as a little ache, and then it got to the point that he couldn't take it anymore. But because he was at an age where he was no longer able to stay on his parents' insurance policy, he didn't know where to go. So he went to the so-called county hospital, indigent hospital. He was diagnosed with having testicular cancer. He had been on his dad's insurance policy, but he arrived at an age where he was no longer eligible. His parents certainly did not have much. His mother worked part time in a post office, and his dad worked at a steam-generating plant 50 miles away from Searchlight. So they begged—I am stretching a little bit—but they borrowed and borrowed and borrowed to take care of his two surgeries, a number of hospital visitations, chemotherapy. They paid for that—thousands and thousands of dollars that they had to find a way to pay for for their boy.

Under the law that is now in existence, young people can stay on their parents' insurance policy for 3 or 4 years more, allowing many who are finishing college to go find a job while staying on their parents' insurance policy.

In Nevada, thousands of children with preexisting conditions would, once again, as I have indicated, be without the ability to be taken care of when they are sick.

Almost 23,000 young adults in Nevada would once again have to defer their dreams to take a job or, as I just indicated, go to college or risk going without any care.

If Republicans have their way, our seniors will pay for more prescriptions and checkups. We have had about a quarter of a million Nevada seniors who now get wellness visits, cancer screenings, and other preventive services. If this goes away, it will not happen anymore.

Tens of thousands of seniors who saved millions and millions of dollars in Nevada alone on prescription drugs last year will once again be forced to choose between buying food and buying medicine. If Republicans have their way, taxes will increase for small businesses. So will the deficit. Repealing health care reform would add almost $1.5 trillion to the Federal debt—not billion, trillion. But when Democrats undertook health care reform, it wasn't just about saving money, it was about saving lives, and we did that.

While the numbers I have just discussed are very important, there is one number that matters more than all the others: 45,000. In the year 2011, 45,000 Americans died because they lacked health insurance. That is almost 1,000 a week. That doesn't include the tens of thousands more who are sick or dying because they have health insurance but still can't afford the care they need.

After the rest of the affordable care act has taken affect over the next 1½ or 2 years, no American will have to bear what President Lyndon Johnson called ''the injustice which denies the miracle of healing to the old and to the poor.'' President Johnson knew that living in a country with the best medical care in the world doesn't matter if people can't access that care.

That is why almost 47 years ago he signed Medicare into law. On that day in July, President Johnson celebrated an American tradition that ''calls upon us never to be indifferent toward despair. It commands us never to turn away from helplessness. It directs us never to ignore or to spurn those who suffer untended in a land that is bursting with abundance.''

So we saved $500 billion in wasteful programs and other things in Medicare, we extended the life of it for a dozen years, and gave seniors the things I have talked about today: Filling the doughnut hole, prescription drugs, wellness checks, and all the other things that are so important to them.

The affordable care act continues the tradition President Johnson celebrated because it calls upon us never to be indifferent toward despair, commands us to never turn away from helplessness, and directs us to never ignore or to spurn those who suffer untended in a land that is bursting with abundance.

The law makes certain that the richest Nation in this great world of ours never again turns its back on the despair, helplessness, and many times hopelessness and suffering of the least among us. It guarantees no insurance company will ever again be putting a pricetag on human life.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that Senator GRASSLEY be allocated 45 minutes of the Republican time during the debate on H.R. 3606.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JOBS ACT

Mr. MCCONNELL. Mr. President, later today the Senate will take up and attempt to pass the JOBS Act. So we find ourselves once again on the cusp of passing a bipartisan jobs package that will make it easier for entrepreneurs and innovators to get the capital they need to build businesses and create jobs.

As I said yesterday, this bill had overwhelming bipartisan support over in the House. Nearly 400 Members voted for it, and the President himself says it will create jobs. He supports it, and he would sign it when we get it to him.

Yet for some reason some in the Democratic-controlled Senate seem intent on slowing it down. Others want to essentially take a step actually backward and undermine a critical provision sponsored by Senators TOOMEY, CARPER, and HUTCHISON included in the House bill, and that was just this week, endorsed by the SEC's Forum on Small Business Capital Formation. The Reed amendment could subject thousands of businesses to SEC regulation unnecessarily, and the Senate should reject it.

So, once again, I ask them to reconsider. Let's put politics aside and pocket this important bipartisan jobs bill.

The JOBS Act is a great example of the type of legislation we should all be able to agree on, and there is simply no good reason for delay. Let's get this done. Let's get it to the President's desk and have him sign it into law.

HEALTH CARE

Mr. MCCONNELL. Mr. President, yesterday I outlined a number of the broken promises we have seen in connection with the new ObamaCare law: from the promise of being able to keep the plan you have and like, to the promise of protecting Medicare, to the promise of lowering premiums, to the promise of lowering health care costs. Democrats also said taxes would not go up and existing conscience protections would be respected.

Looking back, it seems like there was not anything our Democratic friends, including the President, were not willing to promise in order to get the bill across the finish line. But there is another category of disappointments too; that is, in all the aspects of this bill Democrats did not even talk about before it passed.

We all remember when Speaker PELOSI famously said: We have to pass this bill so we can find out what is in it. One of the things Americans found out about was something called the IPAB—the Independent Payment Advisory Board. This is an unelected, unaccountable board of bureaucrats empowered by this law to make additional cuts to Medicare based on arbitrary cost control targets. As a result of this new board, 15 bureaucrats would now have the power—without any accountability whatsoever—to make changes to Medicare.

What is more, there is no judicial or administrative review of IPAB personnel or recommendations. In other words, they are accountable to no one. IPAB is not answerable to voters, and it cannot be challenged in the courts.

Its main role, as the Wall Street Journal editorial board put it, will be ''the inevitable dirty work of denying care''—''the inevitable dirty work of denying care.''

In an effort to control spending, IPAB will limit patient access to medical care. It is that simple and, frankly, it is totally unacceptable.

Republicans recognize the problem with Medicare spending and the need for reform. We also recognize that IPAB is not the answer.

This is just one more reason ObamaCare needs to be repealed and replaced, and that is why even Democrats are cosponsoring a bill to repeal it over in the House, calling it ''a flawed policy that will risk beneficiary access to care.'' So this is not just a Republican issue; there is strong bipartisan opposition to this new law.

Look, if the President himself does not even want to talk about this law anymore, and even Democrats in the House are sponsoring repeal of parts of their own law, it should be pretty obvious there is a fundamental problem.

We need to reform health care. But this reform made things worse. The evidence and broken promises are all around us. It is time the President acknowledged it, and it is time the two parties came together and did something about it.

It is time to repeal ObamaCare and replace it with the kind of commonsense reforms Americans want—reforms that actually lower costs and which put health care back in the hands of individuals and their doctors rather than bureaucrats in Washington.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

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 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.

The Senator from Iowa is recognized.

AFFORDABLE CARE ACT

Mr. HARKIN. Again, Mr. President, tomorrow we celebrate the second anniversary of the signing of the affordable care act into law. Our Democratic leader, Senator REID, in his opening remarks today, outlined the tremendous progress we have made. I listened to the comments made by our distinguished Republican leader, and all I heard was: Repeal ObamaCare, repeal ObamaCare.

But I never heard what they want to replace it with. They just want to go back to the old system where the insurance companies ran everything before, where people were thrown off their policies because they had an illness, where because of preexisting conditions people could not get health care coverage, where we had this big doughnut hole which we are now closing for the elderly?

The one aspect I want to focus on this morning in my brief time is an extraordinary element of the affordable care act that is not being talked about a lot but which members of the committee I now am privileged to chair, the HELP Committee, worked so hard to include in the affordable care act; that is, the array of provisions that promote wellness, disease prevention, and public health.

Taken together, these provisions have begun to jump-start America's transformation into a genuine wellness society. They are transforming our current sick care system into a true health care system. I have said this many times: We do not have a health care system in America. We have a sick

care system. If people get sick, they get care—one way or the other. But there is very little out there to help people keep healthy and to maintain wellness and to keep them from going to the hospital in the first place. Now, that would be a true health care system, and that is what we have begun to establish with the affordable care act, by preventing chronic diseases, enabling people to stay healthy, and stay out of hospitals in the first place.

Right now in the United States about 75 percent of all our health care spending—75 percent of the Nation's health care spending—is on chronic diseases. Only 4 percent is spent for prevention. So during the last year we have data for—2005—the United States spent about $2 trillion on health care. Of every $1 spent, 75 cents went toward treating patients with chronic diseases, many of which are preventable. Only 4 cents went toward prevention. That ought to tell us something right there. That is the old system, and that is the system the Republicans want us to go back to: Spending more and more to treat people after they get sick rather than trying to put something forward to keep people healthy.

Well, in the affordable care act we have tremendous opportunities to again move us to more prevention and wellness. We have made historically new investments in this area of wellness, prevention, and public health. Here is one example of that, as shown on this chart.

Before our health care reform bill, our law, was passed, just take the issue of colorectal cancer screening; we know, if people get it early and detect it early, their chances of survival are tremendous. If people detect it too late, then they are going to be in the hospital, and they are going to have cancer, they are not going to live. But we know, by people getting a colorectal cancer screening early, we can prevent a lot of unnecessary deaths and illnesses and treatments later on.

Cholesterol screening: We know if people get good cholesterol screening, they can get on either a drug or a good diet, an exercise program, reducing the prevalence of heart disease.

Tobacco cessation: Need we keep repeating around here how much it costs our society from the plague of tobacco use?

Well, here is where we were before health care reform, as shown on this chart. About 68 percent were covered for colorectal cancer screenings, about 57 percent were covered for cholesterol screenings, and only 4 percent were covered for tobacco cessation.

After health care reform, now there is 100 percent—100 percent—coverage for colorectal screenings with no copays and deductibles, I might add; 100 percent coverage for cholesterol screenings, and 100 percent coverage for tobacco cessation.

That is prevention, that is wellness, keeping people healthy in the first place. What do the Republicans want? They want to go back to what it was. We have made too much progress in prevention and wellness to go back to the old ways of just treating people after they get sick.

Now, again, we have been able to promote a lot of activities around the country to promote health and wellness. For example, in Illinois, the State made improvements to its sidewalks and marked crossings to increase student physical activity levels. You might say: Well, big deal.

Well, it is a big deal. Because of these improvements, the number of students who are walking to school has doubled—doubled—and it is expected to save the school system about $67,000 a year just on bus costs. So kids are healthier and we save money.

In Alabama, Mobile County is using funds from this prevention fund to support tobacco quit lines to help residents live tobacco free—again, under the Tobacco Cessation Program.

Officials enacted a comprehensive smoke-free policy expected to protect 13,000 of their residents—this is in Mobile County, AL—from being exposed to secondhand smoke. All across America, more and more is being invested in prevention. We know that, for example, a 5-percent reduction in the obesity rate—just a 5-percent reduction in the obesity rate—will yield more than $600 billion in savings on health care costs over 20 years.

Again, our prevention fund is out there getting people the necessary support and information they need to reduce obesity. So with the misguided efforts to repeal the health care reform law, again, most Americans know what is at stake. They are going to lose a lot of these prevention activities that enable us to take charge of our own health care to make sure we get our colonoscopies on time, our mammogram screenings.

Every woman in America now over age 40 gets a free mammogram screening—no copays, no deductibles. The Republicans want to take that away from the women of this country. Colonoscopies, as I said, without copays or deductibles, Republicans want to take that away. Annual physicals. We know a lot of people do not get annual physicals because it costs money. It costs them. Now they can get an annual physical free—no copays, no deductibles. Republicans want to take that away.

Again, I think we have to ask the question—every time I hear the Republicans talking about doing away with ObamaCare or the affordable care act, we have to ask: Are we going to cut short this transformation into a wellness society in preventing diseases, keeping people healthy in the first place? I think the answer is clear. Americans are not going to allow all these hard-earned protections and benefits in the affordable care act to be a taken away. We are not going to be dragged backward. We are going to continue our march forward to make ourselves more healthy. We are not going back to the old system, where only a little over half the people in this country got cholesterol screening, 68 percent got colorectal cancer screening.

We want people to get early screening, early support services for preventive care so they stay healthy. Not only is it going to help our family budgets, it is going to help our Federal budget if we have people healthier and not going to the hospital in the first place. This is one of the big aspects of the affordable care act that is not talked about a lot. But to me it is one of the most important aspects of moving us, again, to a society where we are not just relying on people going to the hospital and paying for high hospital bills and things such as that in the future.

I am going to yield the floor. I just wanted to make those comments about one aspect of the affordable care act. Of course, we do know there are many other benefits in the affordable care act people do not want to lose. Right now, we ban lifetime limits, which helps more than 100 million people. They want to take that away. Republicans want to take that away. We cover vital preventive services, which I just went over; young people remaining on their parents' coverage up to age 26—more than 2.5 million helped so far. Republicans want to take that away. They want to end all that. I do not think the American people want to end it. I think the American people want to move forward with health care reform because we have made too much progress—too much progress in making sure health insurance is affordable, available.

I guess I have just one more thing to say, if my friend from Rhode Island will let me.

Everyone in this Senate body belongs to the Federal Employees Health Benefits Program. Do you know what. We have coverage for preexisting conditions. We have no lifetime bans in our policies. Yet that is what we did. Remember the debate? We wanted to say to the American people: Whatever we have, we want you to have too. We put that in the affordable care act.

The Republicans say: We are going to take that away from the American people but keep it for ourselves. I do not think so. I do not think so. I do not think the American people want to say: You Senators and you Congressmen can keep all that, but you can take it away from all of us. We are not going to do it. We are not going to go backward.

I yield the floor for my distinguished friend from Rhode Island who played such a pivotal role in getting the affordable care act through on our committee and has been one of the more eloquent spokespersons on this health care bill in the last couple years.

The PRESIDING OFFICER (Mr. WARNER). The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE

Mr. WHITEHOUSE. Let me first congratulate Chairman HARKIN for his remarks today but more than that the work that has preceded today on the health care bill. He was an ardent advocate for the prevention programs that save lives and money. It was a real pleasure to work with him at that time.

Today is the second anniversary of the passage of the affordable care act. I wish to describe how the law is already making a difference for families in Rhode Island and across the country by drastically improving access to higher quality care, by addressing rising health care costs, and by protecting consumers.

Look at the changes. Children with preexisting conditions were denied coverage—no longer. Lifetime limits on insurance policies left many American families struggling to pay medial care bills on their own—no longer. Insurers could cancel coverage for individuals who became sick—no longer.

In addition, the law helps kids just out of school who all too often cannot get that first job with health insurance. It helps them to stay on their parents' insurance policies until age 26. For seniors, prescription drug costs are down as the Medicare doughnut hole begins to close. This is real change, and it hits home in my home State of Rhode Island. I hear from Rhode Islanders and I listen.

I heard from Greg, a father in Providence, who told me about his 16-year-old son Will. Will spends 2 hours every day undergoing treatment to keep his cystic fibrosis in check. In addition to his daily treatment and prescriptions, Will sees a specialist four times a year to monitor the disease. Greg said he often thinks about his son Will's future and whether his son will be able to maintain health insurance coverage and receive the treatment he needs.

Thanks to the affordable care act, Will does not have to worry about insurance companies denying him coverage because he has a preexisting condition or fear that he will have to go without treatment because his medical bills will have pushed him over some arbitrary lifetime limit.

As many as 374,000 Rhode Islanders, including 89,000 children similar to Will, can now receive the treatments they need free from lifetime limits on coverage. People who want to repeal ObamaCare should be ready to look Greg in the eye and tell him why they want to take that away from him and his son.

Olive, a senior from Woonsocket, shared with me that her husband takes several medicines to help treat his Alzheimer's disease. A 3-month supply for two of his medications costs close to $1,000. As Olive said: Those months go by quickly. Last year, Olive and her husband fell into the prescription drug doughnut hole in July. Without the affordable care act, they would have been responsible for paying the full cost of his medications out of pocket, but because of health care reform, Olive and her husband received a discount on their prescription drugs and saved $2,400 last year.

Olive and her husband are 2 of the over 14,800 Rhode Islanders who received a 50-percent discount on brand-name prescription drugs when they hit the doughnut hole. This discount resulted in an average savings of over $550 per person, for a total savings of more than $8.2 million for seniors in Rhode Island alone.

People who want to repeal ObamaCare should be ready to look Olive in the eye and tell her why that $8.2 million should go back into the drug companies' pockets, why she and her husband should have to cough up an extra $2,400 for the drug companies.

Brianne, a 22-year-old graduate of the University of Rhode Island, currently works part time as a physical therapy aid in Providence. Her job does not offer health insurance. Brianne suffers from several seasonal and food allergies. She makes frequent trips to her allergist. Because of the affordable care act, Brianne can stay on her mother's health insurance so she can continue to get the treatment she needs. Without this coverage, Brianne said, she would be hard-pressed to afford the treatments necessary to address her allergies.

As of June of last year, Brianne was 1 of over 7,500 young adults in Rhode Island who gained insurance coverage as a result of the reform law. People who want to repeal ObamaCare need to explain to Brianne why she and those other 7,500 Rhode Island kids should be kicked off their parents' policy.

The affordable care act has also brought needed relief to employers that are still the leading source of health coverage in the United States. Geoff is a small business owner in Providence. He provides health care insurance for his employees because, as he said, ''It's the right thing to do.'' But the rising costs of his employees' health insurance have placed increased pressure on his business. Geoff's business qualified for the health care law's small business health care tax credit, which covers up to 35 percent of premiums paid by a small business owners for its employees' coverage. These credits are a lifeline for small businesses that are struggling in today's difficult economy and for the people those small businesses employ. People who want to repeal ObamaCare need to look Geoff in the eye and tell him why they want to take away that tax credit lifeline that lets him provide coverage for his employees.

The affordable care act also provided support for community health centers. In Rhode Island, similar to elsewhere in the country, community health centers fill a critical gap in our health care system, delivering comprehensive, preventive, and primary care to patients, regardless of their ability to pay.

Dennis Roy is the CEO of the East Bay Community Action Program in Rhode Island. He tells me the affordable care act has provided critical support for his community health center's mission. East Bay has received $3 million through this law to construct a new community health center in Newport which, despite its international reputation, is one of Rhode Island's poorer cities. The new community health center will triple the available patient care space for needy Newport County residents.

To date, Rhode Island community health centers have received $14.8 million to create new health center sites in medically underserved areas. This is important American infrastructure, and we should not tear it down to make a political point or to assuage a political ideology. These stories are just a few of many that show how the affordable care act is working for Rhode Island families, seniors, and small businesses.

Although we have made great progress, the work continues. Over the last 2 years, a tremendous effort has been made by the health care industry, by State and local leaders, and by the Obama administration to develop a better model of health care delivery, to shift from a system that is disorganized and fragmented to one that is coordinated, is efficient, and delivers the high-quality care Americans deserve.

Private health care providers, such as Geisinger, Intermountain, and the Marshfield Clinic, are already focusing on quality rather than quantity, efficiency rather than volume, to better serve their patients and their bottom line. Because of the affordable care act, the Federal Government now has the opportunity to support and encourage their focus and to deliver much needed savings in the most patient-centered way, by improving the quality of care and health outcomes.

There is tremendous potential for improved care and cost savings in five key areas: payment reform, primary and preventive care, measuring and reporting quality, administrative simplification, and health information technology.

Savings, from a range of responsible viewpoints, run from $700 billion to $1 trillion a year, all without compromising the quality of care Americans have come to expect—indeed, likely improving the quality of care.

I will shortly release a report to Chairman HARKIN and the HELP Committee on the Obama administration's implementation of the delivery system reform provisions of the affordable care act. When I say ''delivery system reform,'' I mean those provisions that

improve the quality of care, avoid medical errors, coordinate care better, reward prevention and primary care, reduce administrative overhead, and reward who gets the best health outcomes, not who orders the most treatment procedures.

I worked with Senator MIKULSKI on this project. She authored the key delivery provisions of the law and has great expertise in this area.

These changes will make a real difference for millions of Americans, and I look forward to sharing the report and its findings with my colleagues next week.

Before I close, I would like to acknowledge Rhode Island's work on a State health insurance exchange provided for by the affordable care act. Rhode Island is leading the way as the first State to receive level two grant funding to set up the exchange. The exchanges are commonsense, local, competitive marketplaces where individuals and small businesses will be able to purchase health insurance, with the prices and benefits out there on display. When insurance companies compete for your business on a transparent, level playing field, it will drive down costs. Exchanges will let individuals and small businesses use their purchasing power to drive down costs, much like big businesses are able to do.

Progress has been made by State leaders such as our Lieutenant Governor Elizabeth Roberts, who is leading this effort to get to this point. They are remarkable. I urge them to keep up the good work.

Whether it is changing the lives of Gregg and Will or Olive or Brianne or Geoff and his employees or whether it is building our community health center infrastructure or supporting the private sector leaders who are pivoting to a new and better and more efficient delivery system or whether it is something as simple as a marketplace for health insurance that is open, fair, and on the level, the affordable care act has made a real difference for hard-working families in Rhode Island. I will continue to work hard alongside these leading health care providers, alongside the Obama administration, and alongside my colleagues in the Congress to see the full promise of the affordable care act realized for this great Nation's advantage.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. ENZI. Mr. President, it is my understanding that the other side will not have their speakers use the last minutes, so we will start on our side.

I ask unanimous consent that we be allowed to do a colloquy and have several Senators join in.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE

Mr. ENZI. Mr. President, we are going to talk about Medicare today and the way the Patient Protection and Affordable Care Act cuts into Medicare, destroys Medicare.

Two years ago the President wanted a health care bill in the worst way, and that is exactly what he got, and that is exactly what America got.

Anybody out there on Medicare or about to be on Medicare or young enough that someday they will be on Medicare should be very concerned about what happened under this act. All of you, I am sure, are aware of somebody who is on Medicare who has already been denied a doctor; they are being denied because they are not being paid what they ought to be paid.

To call it the ''patient protection'' and ''affordable'' care act is a major mistake. It neither protects Medicare patients nor makes it more affordable. In fact, one of the things we will bring out today is that there has been a theft of $500 billion from Medicare to fund other parts of the program. There is some fraud in it because it was spent, but it still shows up in the account. That is how they show that this really doesn't add to the debt. To solve the whole thing, they have a whole new board of unelected bureaucrats to make additional cuts to Medicare to make it look as though it is OK. And then there is the accounting sleight of hand. I am one of the two accountants in the Senate now, and you have to pay attention to see it. It goes back to the fraud because if this same sort of thing were being done in the private sector, people would go to jail.

There are a number of ways that we will bring out how that is not just budget gimmicks and sleight of hand but is actually taking advantage of seniors.

The Chief Medicare Actuary said that Medicare will go broke in 2024. That is 5 years earlier than last year's report by the Chief Medicare Actuary. He is the guy who works for Medicare; he doesn't work for us. He has to figure out each year how much in the hole it is and what needs to be done to fix it.

My contention, of course, is that you can't steal $500 billion out of a program that is already going broke and expect it to be fine. We warned about that as we were going through the passage of this Patient Protection and Affordable Care Act, which, as already mentioned, was passed 2 years ago tomorrow. It could have been fixed. There were three plans on the Republican side that would have done what is claimed to be done by this act. Those ideas were largely rejected.

Today we are going to talk about some thefts, fraud, unelected bureaucrats, and accounting sleight of hand. I have some people here who want to respond to some of the things that have been said.

Senator COBURN has listened to some comments made on the other side celebrating this great day.

Mr. COBURN. Mr. President, I listened very intently to the first two speakers this morning. As somebody who has now been a physician for almost 30 years—I practiced full time for over 25 years—I heard the Senator from Iowa and what his desire would be on the chart he showed. He said that 100 percent screening is occurring now in three areas. That isn't true. We are not screening. We hope to screen, and we hope to screen 100 percent, but the facts on screening that are available are that it is only used 5 percent by Medicare patients on the screening that was already available with no cost to Medicare patients. So we have to distinguish between what we desire and what is actually going to happen.

Let's take the example of colon screening. I am a colon cancer survivor. I was diagnosed, through colonoscopy, with colon cancer. Let's take that example, and then let's take the example of the other aspect of the affordable care act, called the Independent Payment Advisory Board. What is the purpose of that Independent Payment Advisory Board? Its purpose is to cut the cost of Medicare through the decreasing of reimbursements—first, for the first 8 years, physicians and outside providers, and then, starting in 2019, hospitals. What do you think the first thing to be cut will be? It is the reimbursement rate for a colonoscopy. So when the reimbursement rate for a colonoscopy goes below the cost—and it is very close right now, by the way, the cost to perform a colonoscopy versus what Medicare reimburses—when that is cut, what do you think will happen on screening?

The goal of changing health care is an admirable goal. We know that $1 in $3 doesn't help anybody get well or prevent them from getting sick today. But what the American people need to understand is that what is coming about is a group of 15 unelected bureaucrats, who cannot be challenged in court, who cannot be challenged on the floor of the Senate or the House, mandating price reductions to control the cost of Medicare. What does that ultimately mean? They will do their job. We won't be able to do anything about it. But what it means is that they will reimburse at levels less than the cost to do services, and so, consequently, what will happen is the services won't be there.

They also are going to do what is called comparative effectiveness research. We know about comparative effectiveness research. If you are a practicing physician today, you have to do continuing medical education. Part of that medical education is knowing the latest comparative effectiveness research. It is as if they are reinventing

something that already exists. But the point is that they are going to use that to deny or change payments for procedures that patients need.

What is wrong with all of this? It is that we are inserting a government board and government bureaucrat between the patient and the doctor.

Think about that for a minute. When I go to my doctor, I don't want him concentrating about anything except me. If he is looking over his shoulder about whether he met the IPAB's comparative effectiveness study on what he is doing for me, when, in fact, the art of medicine as well as the science may say they are wrong, and he is going to do what the government says rather than what he thinks is best for me, what am I getting for that?

I will be on Medicare next year, much to my regret, because my choices will now be limited in terms of who I can see. The greatest threat to the quality of care—it wasn't intended to be this way, it was intended to be helpful, and I don't doubt the motives of anybody who set this board up—but the greatest threat to quality of care for seniors in this country is the Independent Payment Advisory Board and their noncaring position. Because they are going to be looking at numbers and words. They are never going to lay their hands on the patient, they are never going to impact a patient directly, they are never going to listen to a patient, but they are going to make the ultimate decisions based on what that patient is going to get.

With that, I yield back to my colleague.

Mr. ENZI. But that board was made essential by decisions that were made in the health care bill. In the health care bill, we took $500 billion—$½ trillion—that should have stayed with Medicare to solve Medicare problems.

The doc fix is one of the big problems we need to solve. It is up to about, I think, $230 billion that we need to do that. That would be a pretty good chunk out of this. And unless that is done, people won't be able to see a doctor.

I keep saying, if you can't see a doctor, you really don't have health insurance, and that is what we are going to be doing to our seniors. We cut $135 billion from hospitals, we cut $120 billion from the 11 million seniors who are on Medicare Advantage, we took $15 billion from nursing homes, and we took $7 billion from hospices to spend on programs that have nothing to do with Medicare or those things. That is fraud, and it shouldn't have happened.

The CBO Actuary and the Chief Medicare Actuary have acknowledged this reality. Incidentally, the Chief Medicare Actuary says the program is going to go broke in 2024, and CBO says it will happen in 2016. Now 2016 is pretty short term to be fixed. I think 2024 is short term. So whichever estimate you want to take, Medicare is in trouble and $500 billion should not have been taken out of it. That $500 billion should have been dedicated to fixing Medicare.

We still have to fix Medicare, and the only solution we have come up with is the one Senator COBURN mentioned, which is to form this new board, with surprising powers, that is going to be able to cut some more in Medicare so it doesn't look as though we stole $500 billion from Medicare.

Senator BURR is on the committee. He has had to sit through a lot of the hearings and a lot of the amendments that were never passed from our side that would have fixed this, and I am sure he has some comments.

Mr. BURR. I thank the Senator from Wyoming and my colleague from Oklahoma. We have worked on this, spent tireless hours trying to save not just Medicare but health care as we know it in America today. I think what my colleague has already mentioned is that we have put in place mechanisms in law that will dismantle a health care system the American people feel comfortable with and that has served them well but that we agree is way too expensive. Look at the examples Dr. COBURN has talked about—IPAB, the independent board that will make coverage decisions and reimbursement decisions. When you cut reimbursements, you are going to chase doctors out of the system. As you cut reimbursements, you are going to defund the hospital's ability to keep the doors open in rural America.

But let's look at the things that are not obvious. What does that effort by IPAB do to innovation in health care? What companies are going to go out and put $1 billion on the line for development of a new drug or a device given they do not think they can recover enough through the reimbursement system to cover their research and development, much less the approval process of the products? It would be a vastly different America if in fact all these drugs that are breakthroughs and the devices that are so effective at keeping us living longer are sold in Europe and South America and Asia but not in the United States because we have now developed a health care system that doesn't allow them the ability to recover that money. Now match that with the lack of choice today.

In this country, we have choice. As a matter of fact, as a Federal employee, I can pick from probably 30 different health care plans—the same ones every Federal employee can choose from. But all of a sudden, in this health care bill, we have said to seniors: You know that Medicare Advantage which allowed you choice, where you could choose a provider other than the Federal Government? Well, we are going to take that away from you. Now, we didn't take it away, we just said we are not going to reimburse them to the degree that allows them to offer the plans.

Let's look at what Medicare Advantage provided for seniors. It provided a wider array of benefits than does traditional Medicare. It is good for some. They have chosen it. It won't be good for them in the future, if this health care bill is not reversed, because through the actions of IPAB and through the explicit language of the bill, Medicare Advantage will not be an advantage anymore, and everybody will have to default to the government plan that probably won't be as expansive with preventive care.

I know the Senator from Wyoming knows that in North Carolina we sort of lead the country as the model of medical homes. We are on the verge there of trying to put seniors into medical homes. We have already done it with a Medicaid population. We have saved money. But my State of North Carolina this year has a gap of about $500 million in Medicaid—the people we are responsible for and the money we have allocated for it, even though the last 3 years we have saved almost $1 billion by being creative at how we designed our Medicaid. This health care initiative, with no input from any State, will double the population of Medicaid beneficiaries in North Carolina. So what have we done? We have shifted the responsibility down to the State at the State taxpayer level.

We didn't magically change anything in health care. We are reallocating where we are collecting the money from, and every State is the same. They underpay for reimbursements under Medicaid, doctors limit the number of patients they see that are Medicaid patients. Imagine what happens when we double the size of the Medicaid population in America. Hospitals don't have the ability to limit. They are under Federal law that says when someone shows up, they have to see them.

What we are going to do is probably attempt to bankrupt the infrastructure that we have for health care for the simple reason that rather than fix health care, we came up with creative ways to pay for it. Or in the case of IPAB—the Independent Payment Advisory Board—we figured out an external way from Congress to cut the reimbursements to doctors and to hospitals and to limit the coverage of all plans where it doesn't have to go through a legislative process in Washington. We are not always the finest example of legislation becoming law, but this is the mechanism our Founding Fathers set up to make sure bad things didn't happen.

I have to say this is one that slipped through, and now we have the responsibility to go back and fix the pieces of it that would be devastating to the future of health care in this country.

I thank the Senator from Wyoming for letting me share some time.

Mr. ENZI. I think the Senator too would be interested in the accounting and some of the sleight of hand involved in the prescription Part D. We put a prescription Part D in so people would have a little better chance of paying for their prescriptions—a very difficult program. It was very expensive.

I know in my State we were looking at only two people who were selling

pharmaceuticals to seniors. I thought, boy, when this program goes in, there probably won't be any. But when it was opened to a wide choice, I found out there were 46 companies that wanted the business in Wyoming, and it turned out to be a very successful program at helping people.

In this affordable care act, of course, they do some things with the doughnut hole which are a little sleight of hand, because some of the companies that sell brandname prescription drugs agreed they would reimburse people for a part or up to all of their medications while they went through that doughnut hole, knowing when they got out of the doughnut hole they would stay with that brandname and it would cost the whole program a lot more.

So in an area where we were saving money and could have fixed it so seniors had a better chance at it but not giving an advantage to the brandname drug users would have actually saved some money in the program, but that didn't happen. I know since my colleague is involved a lot in the pharmaceutical area, and has done a tremendous job at making sure we are safe from terrorist attacks and pandemic flus and worked with vaccinations, and is probably the foremost person at both ends of the building at knowing how to do that, he may have some comments on this prescription Part D.

Mr. BURR. Well, I thank my colleague for that acknowledgment, and that is why the thought that innovation would leave the American health care system terrifies me. Innovation is the answer to the threats, both natural and intentional, that could come to this country and everywhere in the world. We never know what is around the corner. But our ability to innovate in this country has always kept us one step ahead, and I believe we are on the cusp of a new era of innovation that can only be thwarted if in fact this health care bill is fully implemented. Because the incentive will now be gone for entrepreneurs to take risks. There is no longer going to be an incentive that says take a risk and there is an opportunity at a reward.

As the Senator from Wyoming pointed out very well, we created Medicare Part D. What a novel approach, to take a health care benefit that didn't exist in the 1960s, when we created Medicare and matched it up with the coverage of the rest of the delivery system. What was the result of creating market-based coverage? Today, Medicare Part D costs 50 percent less than the estimate we made years ago when we created it in terms of what the annual premium cost was going to be. Why? It is because we created private sector competition. We didn't create government plans. It probably would have been much easier to say, okay, we are going to supply a benefit for every senior in the country. I can assure you, had we done that, we would have been well over what we projected the annual cost to be. But we are 50 percent under because we have private sector entrepreneurial companies out there competing for the business, and they are smart enough to look at the types of coverage needed and they are custom designing that to meet the needs of seniors in this country.

I daresay the current health care plan that is going to be implemented and fully executed by 2014 was not personalized for anybody in this country. It looks at a 17-year-old the same way as it does a 77-year-old. Yet the health challenges and the incomes are different for both ends of the spectrum, and that is because government can't look at us as individuals. They can't group us and design something that addresses not just the coverage needs but the costs long term and the solvency.

So we only have one choice, and that is to fix what is broken. It is amazing how there is great agreement on those things that would be damaged long term and those things that are actually positive and move the ball in the right direction.

Mr. ENZI. So that prescription Part D actually drove down the cost of medication, and now we are ending up in a situation where part of that will be in trouble because of what has happened to Medicare, with $500 billion being stolen.

I see we are joined by Senator LEE of Utah, and I know that Utah has had a health care system that has been a model for other States and now is possibly in jeopardy. I don't know if the Senator would care to comment on Medicare or on that, but we appreciate his coming.

Mr. LEE. I thank my colleague. And he is correct, Utah does indeed have a health care system that functions well, and functions well notwithstanding the fact it is not managed, it is not governed by the Federal Government.

This is one of the great wonders of our Federal system. When we became a country about 200-plus years ago, we did so against a backdrop that is informative for us still today. We became a country, in part, because we discovered through trial and error, through our experience as British colonies, that local self-rule works best. People govern themselves much better than a large distant government can govern them. That is exactly why we became a country, because we learned that local self-rule works.

We learned also that there is great danger to our individual liberty with any government, because whenever any government acts, whenever it does anything to regulate our lives, it does so at the expense of our individual liberty. We become less free by degrees whenever government does just about anything.

But the risk to our liberty is especially great—it is at its highest—when the acting government is a large one, when it is a national government. National governments, as we learned in our experience with our national government before we became a country—our national government that was then based in London—national governments tend to tax us too much, they tend to regulate us too heavily, they tend to be inefficient, they tend to be slow to respond to our needs in part because they are operating so distantly from where many of the people reside.

So when we became a country, we left most of the powers at the State and the local level. We eventually came up with this document, this almost 225-year-old document that has fostered the development of the greatest civilization the world has ever known. And in that document we came up with a list of powers that a national government must have in order to survive, and we kept that list fairly limited. We said the national government needs to have the power to provide for our national defense, to regulate commerce or trade between the States and with foreign nations and with the Indian tribes, to protect trademarks, copyrights, and patents, to establish a uniform system of weights and measures, to come up with a system of bankruptcy laws, laws governing immigration and naturalization, and a few other powers. But that is basically it.

There is no power in this document that gives our national government, that gives us—Congress, as a national legislature—the power to regulate anything and everything. There is nothing in this document that gives Congress what jurists and political scientists refer to as general police powers; that is, the power to come up with any law that Congress might deem just and good and appropriate and advisable at any moment. That, again, was because of the calculated assessment made by the founding generation that we needed a government possessing only limited enumerated powers: to protect individual liberty, and to assure that we in America would continue to live as free individuals.

Over time we have drifted somewhat in our understanding of what those powers mean. Over the last 75 years, the Supreme Court has been applying a deferential standard toward Congress in reviewing laws enacted under the commerce clause, clause 3 of article 1, section 8. The Supreme Court has, since about 1937—at least since 1942—said that Congress may regulate without interference from the courts under the commerce clause activities that, when measured in the aggregate, when replicated across every State, can be said substantially to affect interstate commerce. That is more or less the guideline the Court has given us. They are not necessarily saying that everything and anything that fits within that is necessarily within the letter and the spirit of the Constitution, but that, at least so far as the courts are concerned, so far as the courts have been willing to step in and validate or invalidate, that will be what guides the courts in making that assessment. Beyond that, the debate has to be hammered out within the Halls of Congress.

The affordable care act—also known as Obamacare—contains an individual health insurance mandate that takes Congress's powers to a whole new level. For the first time in American history, our national legislature has required every American in every part of this country to purchase a particular product; not just any product but health insurance; not just any health insurance but that specific kind of health insurance that Congress, in its wisdom, deemed appropriate and necessary for every American to buy. This is absolutely without precedent. It is also, I believe, not defensible even under the broad deferential standard that has been applied by the U.S. Supreme Court since the late 1930s and early 1940s.

Among other things, the limits that have been maintained by the Supreme Court, notwithstanding its deference to Congress under the commerce clause, have been limited by a few principles.

First, the Supreme Court has continued to insist that although some intrastate activities will be regulated by Congress under the commerce clause, some activities occurring entirely within one State—activities that historically would have been regarded as the exclusive domain of States, activities such as labor, manufacturing, agriculture and mining—although some activities might be covered by Congress, those activities at a minimum have to be activities that impose a substantial burden or obstruction on interstate commerce or on Congress's regulation of interstate commerce.

The Supreme Court has also continued to insist that the activity in question that is being regulated needs to be activity, first of all, and not inactivity. But it also needs to involve economic activity in most circumstances, unless, of course, it is the kind of activity that, while ostensibly noneconomic, by its very nature undercuts a larger comprehensive regulation of activity that is itself economic.

Finally, the Supreme Court has continued to insist time and time again that Congress cannot, in the name of regulating interstate commerce, effectively obliterate the distinction between what is national and what is local.

The affordable care act through its individual mandate effectively blows past each and every one of these restrictions, restrictions that even under the broad deferential approach the Supreme Court has taken toward the regulation of commerce by Congress over the last 75 years or so—even the Supreme Court, even under these broad standards, isn't willing to go this far. There are very good reasons for that, and those reasons have to do with our individual liberty. They have to do with the fact that Americans were always intended to live free, and they understood that they are more likely to be free when decisions of great importance need to be hammered out at the State and local level; that is, unless those decisions have been specifically delegated to Congress, specifically designated as national responsibilities. This one is not.

Decisions about where you go to the doctor and how you are going to pay for it are not decisions that are national in nature, according to the text and spirit and letter and history and understanding of the Constitution. They are not, and they cannot be.

If in this instance we say, well, this is important so we need to allow Congress to act—if we do that, we do so at our own peril. We stand to lose a great deal if all of a sudden we allow Congress to regulate something that is not economic activity; in fact, it is not activity at all. It is inaction. It is a decision by an individual person whether to purchase anything, whether to purchase health insurance or, if so, what kind of health insurance to purchase. Our very liberties are at stake, and that is why I find this concerning.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ENZI. I ask unanimous consent for an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I thought I had 2 more minutes. I appreciate the comments.

This is the 2-year anniversary of passing what is the so-called affordable patient care act. The Supreme Court has chosen next week to begin the deliberations on it, and they are going to take three times as long as they do on any case so that they can divide this into pieces, and that mandate piece will be the second one.

One that they probably won't be going into is this Medicare problem. We are going to have seniors who are going to be without care because we have taken $500 billion out of Medicare when it needed a doc fix and it needed a whole bunch of other things, and particularly in rural areas where there are critical access hospitals, rural health clinics. Can any reasonable person believe that you can cut $½ trillion from a program and not affect its impact on patient care?

I wish to have more time to show that there is a theft of this $500 billion, there is fraud involved, that there are bureaucrats and accounting sleight of hand.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

JUMPSTART OUR BUSINESS STARTUPS ACT

The PRESIDING OFFICER. 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 Merkley) Amendment No. 1884, to amend the securities laws to provide for registration exemptions for certain crowdfunded securities.

Reid (for Reed) Amendment No. 1931 (to Amendment No. 1884), to improve the bill.

The PRESIDING OFFICER. Under the previous order, the time until 12:30 p.m. will be equally divided between the two leaders or their designees.

The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that I be yielded 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, in a few hours, after votes on two amendments that I hope we will pass, we are going to vote on final passage of the House of Representatives-passed bill, the so-called JOBS bill. I am going to vote against passage of this bill because it would remain far too deeply flawed even if the two amendments were passed to justify passage by the Senate. I am going to vote no on this bill because it will significantly weaken existing protections for investors against fraud and abuse.

The supporters of this bill claim it will help to create jobs. They have even titled it the JOBS Act, but there is no evidence it will help create new jobs. There is not one study that its proponents have shown us how repealing provisions that protects us from conflicts of interest in the research coverage of companies with up to $1 billion in revenue will create jobs; nor is there evidence that removing transparency and disclosure requirements for very large companies will create jobs; nor is there evidence that allowing unregulated stock sales to those unable to assess or withstand high-risk investments will create jobs; nor is there much else in this bill that will, even arguably, help create jobs. It will, however, take the cop off the beat relative to the activities of some huge banks, and it will threaten damage to the honesty and integrity of our financial markets.

That is a mistake in its own right. We should value honesty and integrity in markets, as in all things. And legislation that creates new opportunities for fraud and abuse should be amended or rejected. But the damage done by this bill to the integrity of our markets will also work against the purported goal of this bill—the encouragement of investment to create jobs.

By making our financial markets less transparent, less honest, and less accountable, this legislation threatens to discourage investors from participating in capital markets. That damage would make it harder—not easier—for companies to attract the capital that they need and to hire new workers.

Our capital markets are the envy of the world, and that is in part because

we recognize that efficient markets that help businesses raise capital and aim to match up investors in companies need transparency and they need financial integrity. But this bill will allow companies to make fewer disclosures and will remove important investor safeguards. This bill will increase many types of risks to investors, including the risk of outright fraud. I want to focus on a few of the many serious flaws in this bill.

First, it harms investors by allowing a wide range of companies to avoid basic requirements for disclosure and transparency. It does that by changing the threshold at which companies are considered large enough and their stock is widely enough held to trigger those disclosure requirements. Today, companies are generally required to register with the SEC and meet basic requirements for financial transparency and accountability if they have 500 or more shareholders. The bill before us would raise that exemption to 2,000 or even more shareholders. It would even raise the level at which banks can deregister from 300 to 1,200 or more shareholders regardless of the bank's size in terms of assets. These changes will allow even very large companies with several thousand shareholders to avoid telling regulators, shareholders, and potential shareholders even the most basic information about their finances, and to avoid important accounting standards.

Second, this bill harms investors by allowing companies to make largely unregulated private stock offerings to members of the public. Today, such inherently risky, unregulated offerings cannot be advertised to the public and are generally limited to shareholders who are financially able to absorb the risks involved. But the House bill allows advertisement of these unregulated offerings to the general public. It will allow TV ads for get-rich-quick schemes with almost no oversight. Advertisers could pitch these risky investments in cold calls to senior citizen centers. That is why groups such as AARP are deeply concerned about what these changes will do to senior citizens who are often the targets of financial fraud and abuse.

Third, this bill abandons a lesson that we learned all too painfully during the dot-com crisis of the 1990s. At that time, investment banks seeking to underwrite initial public offerings—which is a lucrative line of business—engaged in brazen conflicts of interest. They sought this business by promising companies about to go public that their research analysts—whom investors depend on for honest and impartial advice—would give favorable coverage to their stocks in exchange for the underwriting business.

In company after company, investors were misled about the strength of new stocks by investment banks engaging in this conflict of interest. This abuse helped to feed a stock bubble that, when it burst, wiped out investors, evaporated companies, and it devastated the economy. The Nasdaq index still, to this day, has not recovered from that bubble. As a result, regulators put up barriers designed to end these conflicts, but the House bill before us knocks down those barriers. It is astonishing that we would forget these lessons and allow the return of such blatant conflicts of interest.

Fourth, this bill will allow very large companies, companies with up to $1 billion in annual revenue, to make initial public offerings without complying with basic disclosure and accountability standards. These companies would be able to avoid compliance with accounting and disclosure rules to help give investors accurate information on the company's finances. They would not have to obey standard accounting rules or have auditors certify that they have adequate internal controls. Many of these rules were adopted in response to high-profile accounting frauds, such as Enron and WorldCom. Some were recently enacted in the Dodd-Frank Act in the wake of the financial crisis.

Yet while our economy is still recovering from the damage of the most recent crisis that arose, in large part, as a result of deregulation, we are about to consider undoing safeguards we created in its wake. The $1 billion limit of the House bill will allow nearly 90 percent of the IPOs to avoid even the most basic disclosure standards. With these provisions, we will essentially ask America's investors to place their capital at risk almost blindly, with little if any reliable information about the companies seeking their investment. It defies common sense to argue that investors will be more likely to put their money at risk and therefore help to create jobs in that kind of environment.

This is a bad bill. Because debate was closed off and amendments severely limited, we will not be able to fix nearly enough of it. But we will hopefully remedy a few of its flaws in amendments we are going to be voting on. Change to the crowdfunding provisions of the House bill is welcome, and I commend Senators MERKLEY, BENNET, and others who crafted that provision which Senators REED, LANDRIEU, and I also incorporated in our substitute bill, which was defeated yesterday. This amendment will give investors somewhat greater confidence in a new and potentially useful method in establishing capital and in support of Senator REED's amendment to close important loopholes in the current law—one the House bill fails to address. With this amendment, it will be harder to evade registration and disclosure requirements by using shareholders of record who exist only on paper but who hold shares for large numbers of actual beneficial owners. This, too, is part of our substitute, and its inclusion in the bill would represent an improvement.

But we should not fool ourselves. These improvements, if adopted, though welcome, are far from sufficient. We are about to embark upon the most sweeping deregulatory effort and assault on investor protection in decades. The Council of Institutional Investors warns us that ''this legislation will likely create more risks to investors than jobs.''

If we pass this bill, it will allow new opportunities for fraud and abuse in capital markets. Rather than growing our economy, we are courting the next accounting scandal, the next stock bubble, the next financial crisis. If this bill passes, we will look back at our votes today with deep regret.

We should not adopt this bill today. We should return it to committee. We should have hearings. We should have opportunities to amend this bill. Adopting this bill will put us in a position of the most massive and mistaken deregulation of our capital markets in decades.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN of Ohio). The senior Senator from Iowa is recognized.

STOCK ACT

Mr. GRASSLEY. Mr. President, soon, around the 12:30 hour or on one of the seven votes this afternoon, we are going to be voting on cloture on the STOCK Act. I have 45 minutes allotted to me to speak about the disappointment I have with the way this has been handled and why I think the parliamentary procedure is wrong and why the whole process irritates me.

Bipartisanship happens to be alive and well in Washington, DC, where most of our constituents believe it is never working. Earlier this week, we had the Republican majority leader of the House and the Democratic majority leader of the Senate—that is bipartisanship—work together to thwart the will of 60 Senators and 286 Members of Congress. The end result is, as well-meaning as the people behind this maneuver might be—the end result is that 60 Members of the Senate are going to be denied an opportunity to pursue what they had previously voted for and 286 Members of the House of Representatives, cosponsoring the language of my amendment, are not going to have a chance to do what 286 Members of the House want to do. As I said, this is bipartisanship, but it is not the kind of bipartisan cooperation, intended or not, this Nation deserves.

I will not ascribe motives to anyone in this body, but I know that today's action only serves the desires of obscure and powerful Wall Street interests, and it undercuts the will of the overwhelming majority of Congress I just described. Once again, it is an example of Wall Street being heard in Washington and maybe the common persons throughout the United States not having their will expressed.

With this process, they took a commonsense provision, supported by a majority of both Houses of Congress, and they simply erased it. In other words, we have to remember, when we

have a 60-vote requirement in the Senate, we know what that 60-vote requirement is meant to do; that no amendment under a 60-vote requirement is ever going to be adopted. That was surely the motive behind the 60-vote threshold on the amendment I got adopted when this bill was first up, because the Democratic leader voted against it, the Republican leader voted against it, the Democratic manager spoke against it, and the Republican manager was against it. Common sense tells us, if we study the Senate, an amendment such as that is never supposed to get adopted. But we got the 60 votes to get it adopted. Frankly, I was surprised we got the 60 votes to get it adopted. But that is taken out of the bill we are going to be voting on this afternoon.

My amendment simply says that if someone seeks information from Congress or the executive branch to trade stocks, Congress, the executive branch, and the American people ought to know who they are. Nobody is saying they cannot do it, but we ought to know who they are. We do that through the process where everybody ought to know who lobbyists are—not that lobbying is illegal or wrong, but it ought to be transparent. With transparency comes accountability. The same way this amendment asks these people who are involved in seeking information to register so we know who they are. The amendment makes nothing illegal. But we ought to know who these people are who seek political and economic espionage. We ought to bring all that out of the shadow, into the public's information.

But the leadership of both parties—the majority in the House and the majority in the Senate—went behind closed doors and made that provision magically disappear. What they did was truly amazing because a handful of Senators and Congressmen overrode the will of 60 Senators and 280-plus backers of my amendment in the other body. First, the majority leader in the House said the definition of political intelligence was so vague he could not possibly figure out how to define it. That is the excuse given for stripping any regulation of political intelligence, my words, or political and economic espionage from the STOCK Act when it was taken up in the House of Representatives.

Let me tell you why that excuse is truly amazing to me and quite a surprise. It is because the House of Representatives put in a diluted provision that uses the very same definition I had in my bill of what political intelligence gathering is. Then, by taking out my language and putting in theirs, they got it done because it was an excuse, that the language I had in my amendment was so vague. But you know what. They took that very same language and put it in their amendment, calling for a study of political and economic espionage and political intelligence and used it.

Let me go back to section 7, part b, and quote:

> Definition—for purposes of this section, the term ''political intelligence'' shall mean information that is derived by a person from direct communications with an executive branch employee, a Member of Congress, or an employee of Congress; and provided in exchange for financial compensation to a client who intends, and who is known to intend, to use this information to inform investment decisions.

That is the definition that they thought we don't know what political intelligence is, so we should not be passing this amendment, even though 286 Members of the House of Representatives have sponsored a bill to do it and take that very same definition that they say is so vague and put it in a bill for the purposes of studying something. That seems pretty straightforward, doesn't it? That definition seems pretty straightforward. Of course, now that definition will only by applied to a study, not to legislation with real teeth—because the powerful interests of Wall Street are winning out.

If you think that is bad, this is what happened to the STOCK Act in the Senate. By now, I think just about everybody in this body knows how strongly I feel about this amendment that was adopted by this body 60 to 40, under a rule requiring 60 votes because that kills any amendment—but it did not kill this one because we were right. I have spoken many times about the dangers of unregulated political and economic espionage. I have reached out to the leadership to express my concern and written a letter with Senator LEAHY, the chairman of the Judiciary Committee, on the importance of our STOCK Act provisions. I said that I was willing, if necessary, to negotiate on the language of my amendment, and that would be on the question of what is political intelligence. But it seems to me one doesn't need to negotiate that if we pass something with that definition in it. The House already has 286 cosponsors with that definition in it, but they take that same definition and put it in the amendment in the other body for a study, not an amendment with any real teeth.

So when I said I was willing to negotiate, what was the response? Nothing. I was not even given the courtesy of being notified before cloture was filed. So it was kind of like an ambush, plain and simple. Just like those people who traffic in political and economic espionage, this process has been cloaked in a great deal of secrecy.

Now the claim is made that the Senate was forced to take up the House bill because an unnamed Republican was threatening to object to a conference. However, no Republican—or any Senator, for that matter—has publicly owned up to trying to stop this bill from going to conference. But even if we accept this fact, there are still more questions. Supposedly we are taking up the House bill because the Senate does not have time to take two or more cloture votes. Throughout this Congress, we have spent weeks in nothing but quorum calls, but suddenly we have run out of time.

Of course, in less than 10 days we will be leaving Washington, DC, for a 2-week recess. I intend to go home and have town meetings, but we are not going to be doing business here in Washington, DC. So I have an idea for people to consider. With congressional approval ratings in the near single digits, why can't we spend part of that time getting the STOCK Act right? And by getting it right, I see nothing wrong with the basic underlying piece of legislation, but when there is a chance to bring transparency and accountability through the registering of people who are involved in political and economic espionage, I think we ought to do it, and that is what I mean by getting the STOCK Act right.

The Washington Post said that my amendment, combined with Senator LEAHY's political corruption amendment, ''transformed the [STOCK Act] into the most sweeping ethics legislation Congress had considered since 2007.'' Maybe you don't agree with the Washington Post all the time, and I don't agree with them all the time, but they are looking at things on a wider scale, and they are saying that a Congress that doesn't have a very good approval rating has a chance, for the first time in 5 years, to do sweeping ethics legislation that we need in order to improve the Congress's reputation by the public.

So isn't it worth taking just a couple of extra votes to get it done right and to make Congress look better? I think so, but apparently a small handful of people in the House and the Senate who make the decisions on how we are going to do business around here—not taking into consideration the votes of 60 Senators supporting this—have other ideas.

Well, at the end of the day, here is what will happen if we don't proceed. There are about 2,000 people working in the completely unregulated world of political intelligence or political and economic espionage. Right now, these people have to be celebrating because they are in the shadows. They want to stay in the shadows. They are celebrating because they know it is business as usual. They can continue to pass along tips that they get from Members of Congress, Senators, and staff, and no one will be the wiser. They pass along these tips to hedge funds, private equity firms, and other investors who pay them top dollar. The lobbyists get rich, Wall Street traders get rich, but the American people lose.

At one time, these folks who set up these meetings for Members of Congress or even in the executive branch—and I have examples to show that—used to charge $10,000 for just setting up a meeting. They don't charge $10,000 anymore because that information got out and it was too embarrassing to

them. So now there is kind of a relationship built up here between the people who know their way around Congress and people who want this information that if there is investment in stock as a result of this and there is an increase in the value of the stock, that one will do their trading through the company. That is a tragic result of this decision by the leadership to leave out the amendment that was adopted by 60 Members of this Congress and would do nothing more—not make anything illegal—than let us know who these people are.

Through my oversight investigations, I have learned that political intelligence gathering for Wall Street is a growing field ripe for abuse. Here are two examples of the type of activity that will continue to be kept in the dark.

In the course of my investigations of a whistleblower's claim, I learned that the Center for Medicare and Medicaid Services has closed-door meetings with Wall Street firms where CMS policies are discussed. No record is kept of the meetings, and employees are essentially on the honor system to make sure they are not giving investors inside information. As an example, the whistleblower who came to us claimed that over a dozen CMS employees spent nearly 2 hours briefing Wall Street analysts and investigators on the taxpayers' dime. A member of the public could not walk in and get that kind of access to that information. CMS is supposed to be working for us. Instead, we found out that they are working for Wall Street. If my amendment fails, we won't know how many of these meetings occur throughout the government and who profits from these meetings.

Another example is an investigation I conducted into the Obama administration's Department of Education. The Department of Education was getting set up to issue regulations on gainful employment that would affect not-for-profit colleges. Several hedge funds had bet big that those new regulations would make it harder for for-profit colleges to do business. Then news began to leak that those regulators were not going to be as tough as was expected. Suddenly, for-profit stocks began to rise, and these hedge fund investors reached out to their friends in the Department of Education.

This is from an actual e-mail my investigators uncovered. It was sent from Steve Eisman, a hedge fund investor, to David Bergeron. He was part of a team in charge of writing these regulations. The e-mail reads:

> I know you cannot respond, but FYI education stocks are running because people are hearing DOE is backing down on gainful employment.

To translate that Wall Street jargon, the term ''running'' means that a stock is going up.

Within minutes this e-mail was marked ''high importance'' and forwarded to senior-level political appointees. These appointees included James Kvaal, the Deputy Under Secretary, and another policy expert at the Department and Phil Martin, the Secretary of Education's confidential assistant. To this day we do not know why the Department's higher education policy experts needed to know that a hedge fund investor was losing money. What we do know is that for-profit stock dropped significantly, and if you bet big that these stocks would drop, you likely made a lot of money.

When the Department of Education answered my questions, they admitted to my staff that this e-mail was not a proper contact.

In addition, the Department of Education inspector general is investigating the gainful employment rulemaking process.

These are just two examples in government agencies where reports such as these are just the tip of the iceberg. The more power Washington, DC has, the more it affects financial markets, and the more it affects financial markets, the more people on Wall Street want to pay for information about what is going to happen here on this island surrounded by reality that we call Washington, DC.

Usually, the only way any sort of ethics reform gets done around here is if someone gets caught. With political intelligence, we have the opportunity to create transparency before the next scandal occurs. As government grows, this industry is going to grow, with the potential for corruption. The question is, What are we going to do about it? Transparency is the simplest and least intrusive solution, and if transparency doesn't do the job, then you can legislate. But I have found out through so many of my investigations over the last 20 years that if you bring transparency to something and get it out in the open, it tends to correct itself—maybe not completely but to a great degree.

Originally, in starting investigations, you think you are going to have to have a massive amount of legislation, but when you get transparency involved and the accountability that goes along with it, you find that you don't have to pass a lot of laws, that a lot of people know that if somebody is looking over their shoulder, they are going to do what is right.

Now, we can commission another study, as the House of Representatives wants to do and we are going to be voting on when we vote on cloture here, but that is kicking the can down the road for another year. We can act today by defeating cloture and getting to some of these amendments that have such widespread support in the Congress of the United States. With 60 votes in the Senate and 286 cosponsors in the House of Representatives, this is our last chance to make sure the Senate speaks with a unified voice against secrecy for political and economic espionage people and for transparency in government. We must not allow the special interests to operate in the dark. Just bring them out of the shadows—not that what they are doing is illegal, but we ought to know what it is.

For these reasons, and to support transparency, to support open government, and to support good government, I will oppose cloture on the bill, and I hope a lot of my colleagues—in fact, I hope all 60 of my colleagues who voted for the amendment in the first place—will oppose cloture.

If cloture is invoked, which is likely, I intend to vote for this bill anyway because the underlying bill is a very necessary piece of legislation, but it is not much of a victory for the American people. As the Washington Post said, if it included the Leahy amendment, if it included the Grassley amendment, it would be the most sweeping ethics reform in the last 5 years.

I yield the floor and reserve the remainder of my time. I suggest the absence of a quorum.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. 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. REED. Mr. President, this is a critical moment. The Senate is on the verge of adopting legislation that could cost the American people dearly in the future. The House bill with respect to capital formation, which is labeled a jobs bill, but goes more to fundamentally changing security laws, is, in effect, another regulatory race to the bottom. There has not been a normal committee process in terms of weighing this legislation. This is a complicated bill involving the interaction of many different securities laws, interactions which have not been sorted out or analyzed. As a result, we are rushing to justice—or rushing to conclusions.

Hasty deregulation has repeatedly been the source of financial crises—including the savings and loans crisis, the Enron-era crisis, the great recession of 2008, and the list goes on. Those who are impacted by those crises—those who lost their savings or dealt with cleaning them up, experts in this field, and many more—have come out in strong opposition to the House proposal: from the Chairman of the Securities and Exchange Commission, Mary Schapiro, the North American Securities Administrators Association, the State officials charged with enforcing securities laws, auditors, financial analysts, pension fund managers, and organizations like AARP, all who have spoken out against this legislation and supported my efforts to protect investors.

This capital formation bill is fundamentally flawed, and it should not become law in its present form. It undercuts and dilutes investor protections and has no real requirements to

protect American jobs in order to use these new capital raising procedures. That is what is so ironic. We have a jobs bill, but actually I see nothing in this bill that requires creating American jobs in order to earn the benefits of this bill. I think it is, again, misnomered as a jobs bill.

In addition to the substitute amendment I offered with Senators LANDRIEU, LEVIN, and others that received a majority vote earlier this week, I offered an amendment that we will be voting on later today to clarify the shareholder trigger for Exchange Act reporting so that all companies count their actual shareholders so they cannot avoid periodic reporting requirements.

Adoption of this amendment would achieve one of the stated goals of the legislation, which is ostensibly to have more companies into a transparent marketplace, disclosing and/or listing on stock exchanges. That was the whole essence of this IPO onramp idea: encourage more people to go public so they can disclose information to shareholders, so the market can follow them, and so investment advisers can advise investors about purchasing the stocks on the market.

This proposed amendment would close one glaring loophole, but, frankly, too many others remain, and I have grave concerns about the impact this underlying bill will have on the middle class. Backers say it is needed because initial public offerings are down since the 1990s. They blame regulation, ignoring evidence that the dot-com bubble bursting—which shook the confidence of many investors through lots of new IPOs coming on the market quickly with huge multiples in their prices and then quickly disappearing and leaving the scene altogether—and the biggest financial collapse since the Great Depression, beginning in 2008 and lingering with us today, have shaken the confidence and, frankly, shaken the business calculation of many small businesses.

These small businesses are looking to expand when they see the demand out there for their products. If the demand is there, they will, even in this environment, go forward with initial public offerings. They also repeatedly blame the lack of IPOs on accounting costs and all other compliance costs brought on by Sarbanes-Oxley and other laws. They conveniently ignore that the single largest cost, by a large multiple, is not the Sarbanes-Oxley audit costs or the attorney costs; they are the investment bankers' fees, and there is nothing in this legislation that will affect those fees whatsoever.

In the case of Groupon, for example, the investment bankers were paid 28 times what the auditors were paid. If we ask the shareholders of a company's stock whether they would prefer solid auditing practices going forward to ensure their investment is being wisely used, I think they would say they prefer that to paying large fees to investment bankers. In the case of LinkedIn, the underwriters were paid 18 times what the auditors were. Groupon paid their accountants and auditors $1.5 million, and their investment bankers received $42 million. So the notion that these Sarbanes-Oxley auditing costs and accounting procedures are what is stopping a business person from deciding to go ahead ignores the fact that compared to the investment banking fees which they will still have to pay, these costs are somewhat insignificant in comparison.

Theoretically, this bill is supposed to promote the flow of capital to emerging businesses. But in practice it will likely promote and continue to promote the flow of big fees to investment bankers and others to bring these companies public. There is nothing wrong with that, but there is nothing in this underlying legislation that is going to require discounts in the cost of an IPO because of the reductions in accounting costs. There is nothing in this legislation that will change that dynamic. However, this legislation could give insiders more ways to manipulate the market while average investors are left out in the cold.

There is a difference between cutting redtape and allowing insiders to cut corners—undoing the commonsense safeguards that protect people who play by the rules. The House bill lowers standards for taking companies public and lowers standards for protecting the public from investment fraud.

This so-called IPO onramp desperately needs an offramp, through more careful consideration by the Senate and the House in conference so that we can improve some provisions which have great merit but need improvement. This bill would allow very large companies with up to $1 billion in revenues per year to avoid financial transparency and auditing disclosure designed to ensure they are not manipulating their books while enjoying lighter regulation for up to 5 years after the IPO.

If this unbalanced bill becomes, law without these needed improvements, it could weaken oversight of Wall Street—oversight that in the past has provided investors protections that are extremely important. Again, there is merit to the idea of giving small startup companies more financing options, but the devil is in the details, and the way this bill is written and packaged could have the opposite effect and ultimately make it harder to raise capital.

It opens the spigot to general solicitation and mass marketing of what have traditionally been private securities offerings, and we could fully expect to have senior citizens and others—through nightly cable advertisements, through billboards, cold calls by brokers, or other individuals telling them about the special opportunities for investing their cash, fall for some of these tactics.

Retail investors can be solicited through this bill's reg A process to raise up to $50 million capital for small businesses. They will hear the pitches to make their investment now and get rich.

Again, there is potential for expanding the use of regulation A—it is on the books already at the Securities and Exchange Commission—but not without safeguards. For example, as the bill is currently drafted, these solicitations can be made without audited financial statements. I think as a point of departure, if someone is trying to sell a security, they should at least have to provide ordered financials from the company they are soliciting on behalf of.

Now, the crowdfunding amendment, I hope, will be improved dramatically by the work of Senator MERKLEY and Senator BENNET and Senator BROWN. We will be voting on that later today too. It is a substantial improvement, but I think even they themselves will admit this is an experiment and perhaps could be improved even further. But I commend them and salute them for what they have done, and I hope our colleagues will accept the amendment and move forward.

Over the last few days we have spent a great deal of time talking about the shortcomings in this legislation. With the exception of the proposals before us, many of these shortcomings still exist, and I think they will lead potentially to difficulties and harm to investors.

People understand investing is risky. They try to make an informed choice, and they win some and lose some. But most Americans would agree that U.S. financial markets work best when investors have access to timely, comprehensive, and accurate public information that allows people to make solid investment decisions. In fact, one of the principles of the competitive market, if we refer to an economics 101 textbook, is perfect information.

That is the assumption for competitive markets: perfect information.

Well, there is never perfect information. But there has to be adequate information. Otherwise it is not a market, it is a casino. This legislation undermines some of the decades-long protections we have had in place to provide at least adequate information to investors.

By stripping away auditing standards and giving the investing public less information in almost every setting, sophisticated players and investment banks will have all the advantages. The average investor will be operating in much more challenged circumstances.

Middle-class America will be particularly affected. As USA Today noted:

> Banks that manage IPOs will be able to use inside access to past financial results to dominate research on new companies, with incentives to promote their firm's banking clients.

The American people want big banks and large companies to play fair and comply with the basic rules and responsibilities that go with being a public company. That is not too much to ask.

I believe history will judge this misnamed bill quite harshly. Instead of rushing to pass this bill, we should be working together to protect the interests and economic well-being of the American public. We should be focused on creating jobs and helping working families. In my estimate, this bill does not do that and, indeed, ironically, it could harm our constituents by shattering their faith—and it has been tested quite recently by the financial crisis and other crises—in the market, rather than reinforcing their confidence that they will be protected against fraud and manipulation.

I believe we are capable of writing better legislation without sacrificing important investor protections. I hope we can go forward. I am disappointed the substitute amendment, authored by myself and Senator LANDRIEU and Senator LEVIN, was not accepted. As such, I would urge, when we get to final passage, people think very seriously about the consequences of the bill. Despite the efforts of Senator MERKLEY and Senator BENNET, Senator BROWN of Massachusetts and others, despite my efforts, I am afraid the final version of this legislation will not protect investors as it should and, therefore, should be rejected.

Mr. President, I ask unanimous consent that any time remaining in quorum calls be equally divided between my Republican colleagues and my Democratic colleagues.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

Mr. TOOMEY. Mr. President, I would like to yield myself 5 minutes to discuss the JOBS Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOOMEY. Mr. President, I think we are on the verge of doing something very constructive in this body, something very constructive for our economy, for the American people, for economic growth, and for job creation. After being in a Congress that has thus far been a little frustrating for the lack of progress we have made on this front, today is a very big day.

We have a chance to pass a bill that has passed the House overwhelmingly with a huge bipartisan majority—a bill that the President of the United States has said he will sign into law. We have a chance to pass this, to have it signed into law, and to, thereby, enable small and growing businesses across America greater access to the capital they need to grow, to hire new workers, to help expand this economy, to really make some progress at a time when we need it badly.

The bill I am talking about, of course, is the JOBS Act. It has passed the House 390 to 23—an overwhelming majority. It consists of a series of component measures I will talk about in a little bit in some detail—each of which has either passed the full House almost unanimously or at least in committee by overwhelming majorities. This is very broad bipartisan support.

It is important, however, that to get to this point we need to defeat the amendment offered by my friend and colleague, whom I respect a great deal, the Senator from Rhode Island, who is offering an amendment that would have devastating unintended consequences—an amendment that does not merely weaken the progress we are going to make with this bill but would actually take us backwards from where we are today.

The way in which it would do that—and I doubt this is the intent, but I am sure this is the consequence of this amendment—if it were enacted, this amendment would cause companies that are organized as private companies, for good and sufficient reasons—many for many years; they choose to be private companies because it is what is best for their business, their employees, and their customers—it would force many of them to become public companies against their will.

Because a change in the rules, in the regulations by which we count the number of shareholders—as the amendment from the Senator from Rhode Island would do—would trigger this change in the status of these companies, having an enormously detrimental impact on many companies, raising their costs of compliance dramatically, making them less profitable.

I am very concerned, for instance, among the many ways this could happen—one could be through ESOPs, the employee stock ownership plans. I know the Senator from Rhode Island believes they would not trigger this. I think it is very likely they would. Not only would this force private companies to go public against their will, but it would discourage the creation of employee ownership in companies. I think the last thing we want to do is discourage a very constructive way of compensating employees.

So if we can defeat the Reed amendment, then we can move on to—I think we will have another amendment that will deal with crowdfunding. I do not know whether that passes. But either way we will be able to expand the opportunity of small companies to raise capital through crowdfunding mechanisms. Then we will have a final passage vote on what I think might be the most progrowth measure this body will consider perhaps this whole year.

Let me walk through a couple of specific items.

This is a chart I have in the Chamber that shows just a sampling of the organizations and institutions that support this bill. It is a wide range of businesses and business associations, folks who are in the business of launching new companies, of growing small companies. It is a long list. This is an incomplete subset of that list.

As shown on this next chart, this is an important point I want to make; that is, there is a very vast range of investor protections that are completely unaddressed, completely unaffected by this legislation.

The legislation is actually modest in the regulations it changes, and the categories it leaves in place to protect investors who are choosing to invest in companies—be they public or private—are quite extensive. A whole range of antifraud provisions that remain in full force are unaffected.

A full range of SEC disclosure and reporting obligations remain entirely still in full force. There are governance rules that are unaffected by any of this legislation—proxy statements, reporting obligations. We have a very extensive body of law and regulation that very precisely controls all kinds of reporting and disclosure requirements designed to protect investors. It all stays in place.

Investors remain very well protected if this legislation is enacted.

I want to touch on the three aspects I think I am most excited about, and I will acknowledge my bias. These are three bills I introduced with Democratic cosponsors in the Senate, each of which has been rolled up into this package, in addition to the crowdfunding piece I alluded to earlier and a bill introduced by Senator THUNE and others that is also part of this package.

One of the pieces in this jobs package that is very constructive is a bill I introduced with Senator TESTER. This is a bill that takes the existing regulation A in the securities law, the body of law—regulation A allows companies to issue a security in a streamlined regulatory fashion. It streamlines the process. It reduces costs somewhat. The problem is, the current limit is only $5 million, making it not very practical for the vast majority of companies. Our bill would take that limit to $50 million and make this an option to raise capital and grow a business that would be available to far more companies.

A second piece that I introduced with Senator CARPER, and I am very grateful to Senator CARPER for his work, is to lift the permissible number of shareholders that a small privately held business can have without triggering the full, very expensive, and onerous SEC compliance regime. Our bill would take that from a current level of 500 up to 2,000. There are many companies throughout Pennsylvania, across the country, that are successful. They are thriving, they are growing, but they have a number of shareholders that is bumping up against their limit. They are close to 500. They need to raise capital. They do not want to go public, and they have plenty of people who would like to invest in their successful business so they can grow. But they cannot do it because they are so close to the threshold. We would lift that threshold to 2,000 so they can raise more money in the private markets which is available to them.

Then, finally, what is in some ways the centerpiece of this legislation in my mind is a bill I introduced with Senator SCHUMER, and I thank him for his work. This is a bill that facilitates going public. When a company reaches that point in its growth where—in order to grow further, in order to hire more workers, in order to expand—it needs to become a publicly traded company, we make it more affordable for more companies to do that, so they can do it sooner, they can grow sooner, they can hire the additional workers sooner.

We do it with what we call an onramp. It is a process by which a company—if it has less than $1 billion in sales, less than $750 million in market flow—such a company would be able to do a public offering without being subject to all of the most expensive parts of the SEC regulatory regime. They would be required to comply with a big majority of all of the existing reporting requirements, but there would be some pieces—especially section 404(b) of the Sarbanes-Oxley Act, which is extremely complex and expensive to comply with—they would not have to fully comply with that for 5 years or until they reached $1 billion in sales or $750 million in market flow, whichever came first.

So what we are doing with this part of the JOBS Act is we are giving small and growing companies an opportunity to grow into the ability to afford the most expensive regulation to which they would be subject. Nobody is exempted permanently. Everybody who goes public would be subject to the full panoply of regulations within 5 years or sooner if they grow faster, and it is only available to companies that have sales, as I said, of less than $1 billion. But that describes a great number of companies.

I can tell you from personal experience, when a company is approaching that threshold of asking themselves: Should we go public—we could grow, we could use the capital, we could deploy it to hire more workers, we could make constructive use of it—they also have to weigh the cost. The cost of compliance right now is huge, and we have seen a huge dropoff in the number of IPOs. We have seen a huge extension in the period of time between the successful launch of a company and the moment they do an IPO. We have seen that lengthen dramatically since we passed Sarbanes-Oxley. It is, in part, because it is so expensive to comply.

So what we will be doing, if we pass this legislation today—which I certainly hope we will—is making it a little bit more affordable for companies to make that decision sooner, which means hiring workers sooner, which means growing sooner, which means more growth for our economy, more opportunities for all of the people we represent.

So I am very optimistic. I am very pleased that we have been able to pull together such broad bipartisan support—this overwhelming vote in the House, the endorsement of the President of the United States, the support and cooperation with individual Democratic Senators who have cosponsored key pieces of this legislation.

I do think it is equally important we defeat the Reed amendment so we do not actually go backwards in this process and have the unintended consequence of forcing currently private companies to become public against their will, forcing them to incur all kinds of costs that are actually counterproductive. If we can do that today, then I think we can pass this legislation. We know the President of the United States will sign it. We should do it as soon as we can. I wish to thank all my colleagues who played a role in advancing us to the point we are at today.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. DURBIN. Madam President, how much time is remaining in the debate on this measure?

The PRESIDING OFFICER. There is 23 minutes total; 18 minutes on the majority side.

Mr. DURBIN. Madam President, I see the floor is vacant. I assume the time is being taken from both sides at this moment.

The PRESIDING OFFICER. In the quorum call, the time is being charged equally. Right now, it is being charged to the majority.

Mr. DURBIN. Thank you. I will try to fill that time with something interesting. The United States has the best markets in the world. Because of strong regulation and oversight by the Securities and Exchange Commission and other agencies, our markets are transparent and investors get accurate detailed information. One hundred million Americans depend on the strong regulated markets when they are making their savings for retirement or college. This is a creation that began back after the Great Depression, when Franklin Roosevelt said we needed to establish the appropriate regulatory agencies to set the economy on the right track and keep it there.

Strong oversight has helped pension fund managers who count on safety and transparency so they can provide pension benefits to millions of American retirees, and investors from around the world bring their money here because of our investor protections. Yet the Senate is considering a House-passed capital formation bill that rolls back the very protections that make our markets the best in the world.

Supporters of this bill claim investors will jump at the opportunity to invest in a company as soon as we reduce disclosure, auditing, and accounting standards. They say this is a perfect way to create jobs. But why should investors choose to invest in companies under conditions that do less to protect their money? Why should investors who were burned during the dot-com crash put more capital in companies that are exempt from the same rules we put in place to ensure it would never happen again? Why would investors who were left with nothing after the financial crisis because of risky behavior by executives with golden parachutes find companies exempt from compensation standards more attractive?

The answer is they will not. The ones who do will be more exposed to deceit and fraud. The result will not be more jobs, it will be less transparency, less accountability. Professor John Coats of Harvard Law School agrees. Here is what he said: ''[T]he proposals could not only generate front-page scandals, but reduce the very thing they are being promoted to increase: job growth.''

Listen to what SEC Chief Accountant Lynn Turner said:

> The proposed legislation is a dangerous and risky experiment with US capital markets. . . . I do not believe it will add jobs but may certainly result in investor losses.

The House-passed bill, as written, will not create jobs, but let me tell you what it will do. It will exempt firms with more than $1 billion in revenue—that is 90 percent of the newly public companies—more than $1 billion of annual revenue exempted from the standards that help ensure audits based on facts, not on who is managing the auditor's contract. These are the same internal controls we just adopted after Enron, after we were burned there, after investors lost their money, after pension funds lost their investment, after people lost their jobs. We set up standards and said: Let it never happen again.

In this euphoria, we are going to repeal the Enron standards for these companies. This bill would allow companies to use billboards and cold calls to lure unsophisticated investors with the promise of making a quick buck investing in new companies.

According to the New York Times, it will allow anyone with an idea to post that idea online and raise $1 million without ever providing financial statements. This is a scam. How many times have we picked up our cell phones to see there is a Nigerian opportunity out there? Be prepared after this bill passes. They will not be from Nigeria; they may be from next door. We are giving them the opportunity to ask people all across America for their hard-earned savings on investments that are not backed with financial statements.

Last Friday, SEC Commissioner Aguilar joined the Chairman of the SEC Mary Schapiro in raising concerns about this House-passed bill. Is that

not fair warning that we ought to least have a hearing on this bill before it passes?

I ask unanimous consent to have Commissioner Aguilar's statement printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the U.S. Securities and Exchange Commission, Mar. 16, 2012]

INVESTOR PROTECTION IS NEEDED FOR TRUE CAPITAL FORMATION

(By Commissioner Luis A. Aguilar)

Last week, the House of Representatives passed H.R. 3606, the ''Jumpstart Our Business Startups Act.'' It is clear to me that H.R. 3606 in its current form weakens or eliminates many regulations designed to safeguard investors. I must voice my concerns because as an SEC Commissioner, I cannot sit idly by when I see potential legislation that could harm investors. This bill seems to impose tremendous costs and potential harm on investors with little to no corresponding benefit.

H.R. 3606 concerns me for two important reasons. First, the bill would seriously hurt investors by reducing transparency and investor protection and, in turn, make securities law enforcement more difficult. That is bad for ordinary Americans and bad for the American economy. Investors are the source of capital needed to create jobs and expand businesses. True capital formation and economic growth require investors to have both confidence in the capital markets and access to the information needed to make good investment decisions.

Second, I share the concerns expressed by many others that the bill rests on faulty premises. Supporters claim that the bill would improve capital formation in the United States by reducing the regulatory burden on capital raising. However, there is significant research to support the conclusion that disclosure requirements and other capital markets regulations enhance, rather than impede, capital formation, and that regulatory compliance costs are not a principal cause of the decline in IPO activity over the past decade. Moreover, nothing in the bill requires or even incentivizes issuers to use any capital that may be raised to expand their businesses or create jobs in the U.S.

Professor John Coates of Harvard Law School has testified that proposals of the type incorporated into H.R. 3606 could actually hurt job growth:

''While [the proposals] have been characterized as promoting jobs and economic growth by reducing regulatory burdens and costs, it is better to understand them as changing . . . the balance that existing securities laws and regulations have struck between the transaction costs of raising capital, on the one hand, and the combined costs of fraud risk and asymmetric and unverifiable information, on the other hand. Importantly, fraud and asymmetric information not only have effects on fraud victims, but also on the cost of capital itself. Investors rationally increase the price they charge for capital if they anticipate fraud risk or do not have or cannot verify relevant information. Anti-fraud laws and disclosure and compliance obligations coupled with enforcement mechanisms reduce the cost of capital.

''. . . Whether the proposals will in fact increase job growth depends on how intensively they will lower offer costs, how extensively new offerings will take advantage of the new means of raising capital, how much more often fraud can be expected to occur as a result of the changes, how serious the fraud will be, and how much the reduction in information verifiability will be as a result of the changes.

''Thus, the proposals could not only generate front-page scandals, but reduce the very thing they are being promoted to increase: job growth.''

Similarly, Professor Jay Ritter of the University of Florida has testified before the Senate banking committee that such proposals could in fact reduce capital formation:

''In thinking about the bills, one should keep in mind that the law of unintended consequences will never be repealed. It is possible that, by making it easier to raise money privately, creating some liquidity without being public, restricting the information that stockholders have access to, restricting the ability of public market shareholders to constrain managers after investors contribute capital, and driving out independent research, the net effects of these bills might be to reduce capital formation and/or the number of small [emerging growth company] IPOs.''

As drafted, H.R. 3606 would have significant detrimental impacts on the U.S. securities regulatory regime, including the following:

First, the bill will reduce publicly available information by exempting ''emerging growth companies'' from certain disclosure and other requirements currently required under the Federal securities laws. The bill's definition of ''emerging growth company'' would include every issuer with less than $1 billion in annual revenues (other than large accelerated filers and companies that have issued over $1 billion in debt over a three year period) for five years after the company's first registered public offering. It is estimated that this threshold would pick up 98% of IPOs and a large majority of U.S. public companies for that five year period.

An emerging growth company would only have to provide two years (rather than three years) of audited financial statements, and would not have to provide selected financial data for any period prior to the earliest audited period presented in connection with its initial public offering. It would also be exempt from the requirements for ''Say-on-Pay'' voting and certain compensation-related disclosure. Such reduced financial disclosure may make it harder for investors to evaluate companies in this category by obscuring the issuer's track record and material trends.

''Emerging growth companies'' would also be exempt from complying with any new or revised financial accounting standards (other than accounting standards that apply equally to private companies), and from some new standards that may be adopted by the PCAOB. Such wholesale exemptions may result in inconsistent accounting rules that could damage financial transparency, making it difficult for investors to compare emerging companies with other companies in their industry. This could harm investors and, arguably, impede access to capital for emerging companies, as capital providers may not be confident that they have access to all the information they need to make good investment decisions about such companies.

Second, the bill would greatly increase the number of record holders a company may have, before it is required to publish annual and quarterly reports. Currently, companies with more than 500 shareholders of record are required to register with the SEC pursuant to Section 12(g) of the Securities Exchange Act and provide investors with regular financial reports. H.R. 3606 would expand that threshold to 2000 record holders (provided that, in the case of any issuer other than a community bank, the threshold would also be triggered by 500 non-accredited investors). Moreover, the bill would exclude from such counts any shareholders that acquire securities through crowdfunding initiatives and those that acquire securities as eligible employee compensation. Thus, a company could have a virtually unlimited number of record stockholders, without being subject to the disclosure rules applicable to public companies. This effect is magnified by the fact that the reporting threshold only counts records holders, excluding the potentially unlimited number of beneficial owners who hold their shares in ''street name'' with banks and brokerage companies, and thus are not considered record holders.

This provision of the bill raises concerns because it could significantly reduce the number of companies required to file financial and other information. Such information is critical to investors in determining how to value securities in our markets. Regular financial reporting enhances the allocation of capital to productive companies in our economy.

Third, the bill would exempt ''emerging growth companies'' from Section 404(b) of the Sarbanes-Oxley Act, which requires the independent audit of a company's internal financial controls. Section 404(b) currently applies only to companies with a market capitalization above $75 million; companies below that threshold have never been subject to the internal controls audit requirement and were exempted from such requirement in the Dodd-Frank Act. The internal controls audit was established following the accounting scandals at Enron, WorldCom and other companies, and is intended to make financial reporting more reliable. Indeed, a report last year by Audit Analytics noted that the larger public companies, known as accelerated filers, that are subject to Section 404(b), experienced a 5.1% decline in financial statement restatements from 2009 to 2010; while non-accelerated filers, that are not subject to Section 404(b), experienced a 13.8% increase in such restatements. A study by the SEC's Office of the Chief Accountant recommended that existing investor protections within Section 404(b) be retained for issuers with a market capitalization above $75 million. With the passage of H.R. 3606, an important mechanism for enhancing the reliability of financial statements would be lost for most public companies, during the first five years of public trading.

Fourth, the bill would benefit Wall Street, at the expense of Main Street, by overriding protections that currently require a separation between research analysts and investment bankers who work in the same firm and impose a quiet period on analyst reports by the underwriters of an IPO. These rules are designed to protect investors from potential conflicts of interests. The research scandals of the dot-com era and the collapse of the dot-com bubble buried the IPO market for years. Investors won't return to the IPO market, if they don't believe they can trust it.

Fifth, H.R. 3606 would fundamentally change U.S. securities law, by permitting unlimited offers and sales of securities under Rule 506 of Regulation D (which exempts certain non-public offerings from registration under the Securities Act), provided only that all purchasers are ''accredited investors''. The bill would specifically permit general solicitation and general advertising in connection with such offerings, obliterating the distinction between public and private offerings.

This provision may be unnecessary. A recent report by the SEC's Division of Risk, Strategy and Financial Innovation confirms that Regulation D has been effective in

meeting the capital formation needs of small businesses, with a median offering size of $1,000,000 and at least 37,000 unique offerings since 2009. Regulation D offerings surpassed $900 billion in 2010. The data does not indicate that users of Regulation D have been seriously hampered by the prohibition on general solicitation and advertising.

I share the concerns expressed by many that this provision of H.R. 3606 would be a boon to boiler room operators, Ponzi schemers, bucket shops, and garden variety fraudsters, by enabling them to cast a wider net, and making securities law enforcement much more difficult. Currently, the SEC and other regulators may be put on notice of potential frauds by advertisements and Internet sites promoting ''investment opportunities.'' H.R. 3606 would put an end to that tool. Moreover, since it is easier to establish a violation of the registration and prospectus requirements of the Securities Act than it is to prove fraud, such scams can often be shut down relatively quickly. H.R. 3606 would make it almost impossible to do so before the damage has been done and the money lost.

In addition others have noted that the current definition of ''accredited investor'' may not be adequate and that the requirement that purchasers be accredited investors would provide limited protection. For example, an ''accredited investor'' retiree with $1 million in savings, who depends on that money for income in retirement, may easily fall prey for a ''hot'' offering that is continually hyped via the internet or late night commercials.

These are just a few observations regarding H.R. 3606. It also includes other provisions that require substantial further analysis and review, including among other things the so-called crowdfunding provisions.

The removal of investor protections in this bill are among the factors that have prompted serious concerns from the Council of Institutional Investors, AARP, the North American Securities Administrators Association, the Consumer Federation of America, and Americans for Financial Reform, among others.

QUESTIONS RE: H.R. 3606

As H.R. 3606 is considered, the following is a non-exhaustive list of questions that should be addressed:

1. The bill would define ''emerging growth company'' as any company, within 5 years of its IPO, with less than $1 billion in annual revenue, other than a large accelerated filer or a company that has issued $1 billion in debt over a three-year period.

What is the basis for the $1 billion revenue trigger?

Why is revenue the right test? Why is $1 billion the right level?

It has been estimated that this definition would include 98% of all IPOs, and a large majority of all public companies within the 5-year window. Was such a broad scope intended?

2. As provided in the bill, financial accounting standards, auditing and reporting standards, disclosure requirements, and the period for which historical financial statements is required, could all differ as between ''emerging growth companies'' and all other public companies—including all companies that went public before December 8, 2011.

How will these differences affect the comparability of financial reporting for these two classes of issuers?

Will reduced transparency, or lack of comparability, affect the liquidity of emerging growth companies?

Will reduced transparency or reduced liquidity affect the cost of capital for emerging growth companies? Will investors demand a ''discounted price'' to offset any perceived higher risk resulting from reduced disclosures and protections?

Will emerging growth companies be required to include risk factors or other disclosure in their registration statements and other filings, regarding transparency, comparability and any potential effects thereof?

3. The bill would expand the threshold for the number of shareholders an issuer may have, before it is required to file annual and other reports under Section 12(g) of the Exchange Act, from 500 to 2000 (of which no more than 500 may be non-accredited investors, for issuers other than community banks), and would exclude from such counts shareholders that acquire securities through crowdfunding initiatives and those that acquire securities as eligible employee compensation.

How was the new threshold of 2000 holders determined?

Is that the right threshold for determining whether the public interest in such securities justifies regulatory oversight?

How many companies would be exempted from registration and reporting by the bill?

When shares are held in ''street name'' the number of beneficial owners may greatly exceed the number of record holders. How will the new threshold of 2000 record holders be applied in such cases?

How would the exclusion of employees and crowdfunding purchasers be applied, if such holders transfer their shares to other investors? How would this be tracked?

4. To the extent the bill results in reduced transparency and/or reduced liquidity for emerging growth companies, or for companies exempted from Exchange Act reporting by the new thresholds under Section 12(g), such results may impact investment decisions by institutional investors.

How would mutual fund managers, pension fund administrators, and other investors with fiduciary duties address such reduced transparency or lack of liquidity in making investment decisions?

Could reduced transparency or reduced liquidity impact the ability of fund managers to meet applicable diversification requirements?

Could such effects cause managers to increase concentration into fewer US reporting companies? How would such concentration affect market risk? Would the bill result in investor funds being redirected to companies overseas?

5. The bill is being promoted as a jobs measure, on the grounds that reducing regulation will improve access to capital for small and emerging businesses, allowing them to grow and add employees.

What is the evidence that regulatory oversight unduly impedes access to capital?

What is the evidence that companies that are otherwise prepared to grow (that is, they have the appropriate business model, management team, and aspirations) are prevented from growing by an inherent lack of access to potential sources of capital?

I understand that the costs of complying with regulatory requirements are a factor underpinning H.R. 3606. How do such costs compare to other costs of raising capital, such as investment banking fees? How do such costs compare to other administrative costs? If reduced transparency, lack of comparability, and other consequences of the bill result in a higher cost of capital for emerging growth companies, will the money saved on compliance be worth it?

6. Evidence shows that the public companies that are currently exempt from internal controls audit requirements have a higher incidence of financial reporting restatements, and that companies that have restated their financial results produce substantially lower returns for investors.

How do any perceived benefits from H.R. 3606's exemption of emerging growth companies from the audit of internal controls compare to the likelihood of increased restatements? Would an increase in restatements hamper capital formation?

Will the lack of an internal controls audit result in greater financial and accounting fraud?

7. The bill requires the Commission to revise its rules to provide that the prohibition against general solicitation or general advertising contained in Regulation D shall not apply to offers and sales of securities pursuant to Rule 506, provided that all purchasers are accredited investors.

Given the success of Regulation D as a capital raising mechanism, including its successful use by small and emerging companies, is there any evidence that general solicitation and general advertising are necessary for capital formation?

Given the current definition of ''accredited investor'', is that the right test for determining who issuers may target, in offers made by general solicitation or advertising?

CONCLUSION

H.R. 3606 would have a significant impact on the capital markets and raises many questions that have yet to be satisfactorily resolved. I have yet to see credible evidence that justifies the extensive costs and potential harm to investors this bill may impose.

I urge Congress to undertake the review necessary to resolve these questions, and to ensure that investors, as the providers of the capital that companies need to grow and create jobs, have the protections they need and deserve.

Mr. DURBIN. Commissioner Aguilar said he shares concerns expressed by many that provisions of this bill would be a boon to boiler room operators, Ponzi schemers, bucket shops, and garden variety fraudsters by enabling them to cast a wider net and make securities law enforcement that much more difficult.

Others have raised concerns. The North American Securities Administrators Association, the Consumer Federation of America, the Americans for Financial Reform, the Council of Institutional Investors, securities experts such as Professor John Coffee and former SEC Chief Accountant Lynn Turner, the AARP, concerned that seniors will be bilked out of their savings with these phony solicitations for companies that may not even exist.

I share the concerns. I believe there is a path forward to protect investors and make it easier for small firms to come up with capital. Several of my colleagues had a substitute amendment—Senator JACK REED, Senator CARL LEVIN, Senator MARY LANDRIEU—which would have done just that, made it easier to raise capital but kept the safeguards in place.

It was defeated virtually on a party-line vote. It was defeated. It would have preserved the Dodd-Frank say-on-pay provisions to allow investors to weigh in if executives are getting exorbitant compensation and golden parachutes. The amendment would have prohibited companies from advertising and selling stock to the unsophisticated, unsuspecting investors. It would have included minimum requirements for crowdfounding Web sites so investors are not blindly giving money to

someone with a good-looking Web site that promises a good return that will never ever happen.

In short, the amendment would have responded to investors' concerns—the very same investors some of my colleagues claim the underlying bill will encourage to invest.

That is not all we have done. The amendment also included a reauthorization of the Export-Import Bank, which makes loans to major companies and smaller companies too who want to export American-made products made by American workers.

The reauthorization increased the bank's lending cap to $140 billion. This is the same Export-Import Bank that received bipartisan support in the Banking Committee and was reported out on a voice vote. A similar reauthorization was introduced by a Republican the last time around in 2006. It passed the Senate without even the requirement of a record vote.

However, yesterday, both the Landrieu-Reed-Levin amendment, which was the substitute that included the Export-Import Bank reauthorization, and the Cantwell amendment failed to obtain enough votes to invoke cloture, mostly on a party-line vote. Two Republicans voted to extend the Export-Import Bank authorization—two. This is a bank which gives our companies in America a fighting chance around the world to compete with those companies in other countries that are subsidized by their government. We have the Export-Import Bank to help our companies, companies in my State such as Boeing and Caterpillar. Good-paying jobs right here in America, sustained by exports, helped by the Export-Import Bank, defeated on the floor of the Senate. Only two Republican Senators would step up and vote for that bank, and it used to be noncontroversial. We did it because we knew it was so good for our economy. It turned out to be a partisan issue.

Too many things turn out to be partisan issues on the Senate floor lately. That is the latest casualty. It is clear that politics and theoretical jobs created by a bill that significantly reduces investor protections are more important to some of my colleagues than the real jobs that would have been created by the Export-Import Bank.

The Export-Import Bank is responsible for supporting 288,000 American jobs at more than 2,700 U.S. companies. One would think it would have won more than two Republican votes. Madam President, 113 of these companies are located in my State of Illinois and 80 are small businesses.

One of those companies, Holland LP, in Crete, IL, employs 250 people and completed a major export transaction with assistance from the Export-Import Bank. Holland was able to sell two complete in-track welding systems to a company in Brazil.

The CEO of Holland said: ''Without [the Export-Import Bank], this transaction would not have come to life.''

That is how the Ex-IM Bank can help companies in my State and companies around the United States.

I have to say, there will be an amendment offered soon, this afternoon, within the hour, the Merkley-Bennet-Scott Brown amendment, which is bipartisan. It would allow small businesses to raise up to $1 million through crowdfunding Web sites but will put in protections for investors from those posing as a business and selling a lot more hope than substance.

The amendment would require all crowdfunding Web sites to register with the SEC. That is a step in the right direction. It is one of the most important elements that needs to be changed in this bill out of about eight elements, and it is the only one we are likely to address this afternoon.

I urge my colleagues to support the amendment of JACK REED of Rhode Island requiring the SEC to revise the definition of ''holder of record.'' The financial industry has been working overtime to beat this amendment. They have been on the phones calling everybody saying, ''Stop the Reed amendment.''

According to John Coffee, a professor at Columbia Law School, the shareholder of record concept is archaic and can be gamed.

State securities regulators also share that same concern. The American Securities Administrators Association said in a recent letter that it makes little sense to exclude any investor from the count of beneficial holders.

The Reed amendment would require the SEC to update the definition of ''holder of record'' to revise an outdated definition that may hide the true number of shareholders a company might have.

While I believe the bipartisan Merkley-Bennet and the Reed amendments will significantly improve parts of this bill, it doesn't make this a good bill. That is why I am prepared to vote no on final passage.

This bill, as much as any bill we have ever considered on the Senate floor, should have at least had a hearing. We should have at least brought in some expert witnesses. I will tell you, we will rue the day we ran this thing through the House and Senate without the appropriate oversight. I can already predict, having seen this happen time and again, there will come a time, after we pass this bill, when we start hearing from Americans who are being lured into phony investments, losing their life savings and their retirement in the process, and we will step back and say: My goodness. How did that happen? Remember, on March 22, 2012, we had a chance to make a difference to slow down and stop this bill until there was an adequate hearing, until we could put safeguards into place, which Americans deserve.

I am not against investment. I know there is risk associated with it. We have said since the 1930s—1932—under the creation of the SEC, that we owe to Americans, when they make a decision about an investment, two basic elements: Make sure the salesman is telling the truth and make sure what he said can be backed up with audited financial statements.

We can all remember stories about the people who used to blow in, sit down and sell penny stocks and $5 stocks and unsuspecting investors losing their savings as these folks caught the next train out of town. We don't need to return to that in the name of job creation. If we are creating the jobs of new charlatans who are offering these investments, these are not the kinds of jobs America should encourage.

I believe the House-passed bill should be defeated today. We should take the time to get it right and listen to the Chairman of the SEC and put the protections in the law so we can move forward with a bill that all of us can be proud of.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MERKLEY. Madam President, I rise to address the amendment on crowdfunding that we will be considering shortly on the floor of the Senate. Specifically, the goal is to create a solid foundation for success of enabling Americans to invest in startup companies, invest in small companies through the Internet, and to do so in a fashion that does not result in predatory scams but results in capital formation that helps small business thrive across our Nation.

The House bill, as it came over to us, has crowdfunding provisions that are simply a pathway to predatory scams, a paved highway to predatory scams. What do I mean by that? They say basically that a company seeking to raise investment capital doesn't have to give any financial information of any kind about their company. If they do provide information, they don't have to have accountability for the accuracy of that information. By the way, they can hire people to pump their stock, and that is OK under the law. In other words, everything we associate with the worst boiler rooms, the worst pump-and-dump schemes, is made legal by the House legislation. That is why we need to fix this on the floor of the Senate.

We lay out a provision that says, if you raise less than $100,000, you as the CEO assert the accuracy of the information you are putting out—simple financial statements. If you raise a larger amount of funds, you proceed to have an accountant-reviewed statement that you can vouch for. If you raise yet more funds, at a higher level, then you have an audited financial statement. So it is adjusted in degrees and it streamlines it to the appropriate levels, based on the amount of investment you are asking.

This amendment says directors and officers should take responsibility for the accuracy of that information. That

will give investors a great deal more confidence that what they are reading is actually and truly the case. That is a foundation for successful investment.

There are many folks across the country who have looked at these crowdfunding positions, different measures. I thought I would read from Motaavi, a crowdfunding intermediary based out of North Carolina. On the House bill, they say:

The crowdfunding language in the [House bill] lacks critical investor protection features. It does not require offerings to be conducted through an intermediary, which opens the door to fraudulent activity. . . . It also does not require appropriate disclosures or inspections. The bill does not require the issuer to inform investors of dilution risk or capital structure.

Crowdfunding is premised on openness. Without disclosure, investors cannot protect themselves or accurately price the securities they are buying. If issuers are not willing to provide information over and above what is required, the [House] language does not provide investors with other alternatives short of giving up on crowdfunding altogether.

They then comment on the bipartisan amendment we are presenting on the floor of the Senate, and they note:

It strikes the right balance between disclosure and flexibility. The language is tightly integrated with existing securities laws to provide investor protection. It places easily met obligations on the issuer and the intermediary to ensure that investors have the information they need to make sound decisions. The bill has many provisions for appropriate rulemaking, and is written in a way that reflects how crowdfunding actually works.

Remember, this is a crowdfunding intermediary based in North Carolina—one working to occupy this Internet space and wants a platform, a structure, that works and makes crowdfunding a legitimate strategy for capital formation.

The letter continues:

We think crowdfunding can be a valuable and integral part of the capital formation process. The Crowd Funding Act is the right bill [the amendment we are considering today] to make this happen.

Launcht is a crowdfunding portal provider. They say:

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.

Let's turn to the startup exemption—three entrepreneurs who have led the charge in our Capitol for flexible provisions for crowdfunding:

We write to suggest that if you consider the House version of the bill, you consider adding the following crucial components:

1. Crowdfunding investing intermediaries that are SEC-regulated to provide appropriate oversight.
2. All or nothing financing so that an entrepreneur must hit 100 percent 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.

These provisions are in the amendment we are considering and the amendment they have endorsed.

Finally, we have SoMoLend, a peer-to-peer lending site. Here is their commentary, where they say this amendment is:

. . . robust enough to provide guidance to a new industry, but will also benefit the crowdfunding industry in the long-term, as compared to a possible race to the bottom with a ''no regulatory'' approach. The disclosure and regulatory requirements will provide adequate information to investors, advising of risk but also deterring fraud.

It continues:

Again, this has long-term benefits to the industry as a whole.

This hits at the heart of why these investor protections are so important. Not only do they deter scams and fraud, not only do they protect vulnerable investors, such as seniors and others, who have little experience in the investing market, but they build a strong capital formation market, a successful platform for capital formation, a market that puts capital where citizens would like to put it—the wisdom of the crowd, if you will—a market that allows good ideas to rise to the top, a market that will create jobs now and in the future.

I urge my colleagues to support amendment No. 1884 to provide the right balance of streamlining and investor protection.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED. Madam President, I ask unanimous consent that the order for the quorum call be rescind.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Madam President, I ask unanimous consent to speak up to 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1931

Mr. REED. Madam President, shortly, we will be voting on my amendment, which will maintain the House's increase in the number of shareholders at 2,000 in order to remain private. But what I do is actually ensure that the shareholders are the real shareholders; that there is not an intermediary holding the stock in the name of perhaps literally hundreds of shareholders, but they are the real shareholders.

There has been some criticism about the affect it will have on ESOPs, private funds, mutual funds, and others. We have been assured by legal experts it doesn't affect any of these funds or entities.

In addition, the SEC has assured us that it, through rulemaking, can clarify that ESOPs, mutual funds, private funds, and other entities similar to these will not be affected. I believe if a company has 2,000 real shareholders, those shareholders should have access to routine information on a regular basis, and that is the thrust of this amendment.

SHAREHOLDER THRESHOLD

Mrs. HUTCHISON. Madam President, one of the six components of the House-passed JOBS Act is a measure I sponsored here in the Senate to foster capital formation in the community banking industry. I appreciate the support of Senator TOOMEY and twelve additional cosponsors, including Senators PRYOR, MCCASKILL and BILL NELSON. Our bill would update the threshold before a bank must register its securities with the Securities and Exchange Commission from 500 shareholders to 2,000. It is Title 6 in the JOBS Act before us today. My colleague Senator TOOMEY has a bill contained in the JOBS Act as well that would raise the shareholder threshold for all companies. Senator TOOMEY's legislation is contained in Title 5 of the JOBS Act.

On this point, my understanding is that Sections 501 and 601 of the JOBS Act address two distinct classes of issuers. One is a general provision for all issuers other than banks and bank holding companies—and the other one applies to banks and bank holding companies. I ask the Senator, is this correct?

Mr. TOOMEY. Yes, that is my understanding. I thank Senator HUTCHISON for all of her hard work on the bank shareholder bill, and for clarifying this point.

Mrs. FEINSTEN. Madam President, I rise today in strong opposition to the JOBS Act. Supporters of this bill insist it will help small businesses looking to raise capital, but instead its primary effect would be to strip away critical investor protections.

The House-passed bill applies to more than just small businesses. It also exempts large corporations—those with annual revenues up to $1 billion—from important financial reporting requirements.

There are many good reasons why public companies are required to undergo periodic examinations and disclose financial information, and this bill undercuts those protections.

I remember the massive fraud and financial chicanery that led Enron to intentionally shut down powerplants in California in order to pump up profits. And all of us remember the lasting damage from the collapse of the dotcom bubble.

Let me go over some of the problems with the House bill.

It would eliminate the requirement that many companies audit their internal controls, a requirement put in place specifically in response to the Enron debacle.

Companies with virtually no operating history could sell stock directly to the public over the Internet without going through any registered intermediary.

The bill has no meaningful protections to prevent investors' savings from being wiped out on risky investments. Investors could bet 10 percent of their annual income on any one company, with no limit to how much income or savings they could invest in

multiple companies' stock sold over the Internet with little financial disclosure.

The JOBS Act would reduce the number of years of audited financial statements that companies must publicly disclose.

It would abolish shareholder advisory votes on executive compensation and golden parachutes.

And it would eliminate the disclosure requirement of CEO-to-median-worker salary ratio required under the Dodd-Frank Wall Street Reform Act.

It remains unclear why the supporters of the JOBS Act believe disclosing executive compensation is an obstacle to companies going public.

Under the JOBS Act, a fraudster could raise up to $1 million in small increments from mom-and-pop investors without having to disclose any significant financial or legal disclosures. Candidly, this could lead to the greatest proliferation of get-rich-quick schemes in history.

It is a shame this process has unfolded in this manner and at this breakneck speed. There are some merits to the underlying goal of the bill.

Reducing compliance costs on actual small businesses seeking to go public is a laudable goal. But instead of debating the issues, we are rushing through this bill.

It is important to note that, even under the Sarbanes-Oxley law, financial game-playing by big public companies has not gone away. This bill would invite even more of that harmful activity, under the guise of being good for the public marketplace.

Congress's recent track record on financial deregulation isn't very good. In the past decade or so Congress has eliminated the Glass-Steagall firewall between commercial and investment banking and deregulated the over-the-counter derivatives market. We are still paying for those mistakes.

I had hoped the Senate would be humbled by that experience. Instead, we are rushing through changes to decades-old securities laws that could have significant negative effects on investor protections.

I voted against the JOBS Act so we can take the time to truly understand the ramifications of this bill for the marketplace, small businesses, and investors.

Mrs. BOXER. Madam President, I wish to explain my opposition to H.R. 3606, a bill that would undermine regulation of our financial markets and leave investors vulnerable to fraud.

The underlying spirit of this legislation is one that I support: improving the ability of smaller companies, especially startups, to raise capital. Small companies are essential to our economy, and it is critical that they be able to raise capital efficiently. Our financial regulations should be up-to-date and pragmatic, realistically reflecting the size of new public companies in modern times, and new methods of reaching out to potential investors.

However, I am deeply concerned that the bill goes too far in rolling back investor protections. These rules were created for a reason, often after hard lessons learned from scandals like Enron and WorldCom. They protect ordinary people from losing their retirement savings to corporate fraud and mismanagement, and help our markets function efficiently, ensuring that investors of all types have meaningful and accurate information. All companies benefit when investors have confidence in the safety and fairness of the marketplace.

SEC Chair Mary Schapiro and SEC Commissioner Luis Aguilar have raised concerns that this bill will hinder securities law enforcement and reduce investor protection. Bloomberg News editorialized that it ''would be dangerous for investors and could harm already fragile financial markets.'' The New York Times Editorial Board said this legislation ''would undo essential investor protections, reduce market transparency and distort the efficient allocation of capital.'' CalPERS and CalSTRS have expressed concerns, as have Americans for Financial Reform, AARP, AFL–CIO, AFCSME, Consumer Federation of America, the Main Street Alliance, the Sustainable Business Council, and many other well-respected organizations.

It is a mistake to rush this important piece of legislation when the possibility of a genuinely bipartisan compromise exists. The Reed-Landrieu-Levin amendment, which was blocked by Senate Republicans despite bipartisan support from 54 Senators, would have greatly improved the bill. It would have allowed smaller companies to raise capital more easily, without going as far as the underlying bill in providing exemptions for companies with annual gross revenue of up to $1 billion. I thank my colleagues for their efforts in drafting that carefully balanced proposal.

I am pleased that the bipartisan Merkley-Bennet-Brown amendment became part of the bill. It will allow companies to reach investors through social media, but with sensible rules to reduce fraud and provide meaningful regulatory oversight. Nevertheless, significant investor protection problems remain in the other sections of the bill, and I cannot support its passage.

I was also disappointed that reauthorization of the Export-Import Bank, which was offered as an amendment by a group of bipartisan cosponsors, was blocked by Senate Republicans.

The Ex-Im Bank keeps American businesses competitive worldwide, especially in countries with challenging economic and political conditions, and sustains American jobs in the process. The Bank's investments helped to support 290,000 export-related American jobs last year, including 21,025 in California. As the economic recovery continues, now is not the time to take away this support and put our companies at a disadvantage.

This bill clearly was rushed; this bill is risky for investors, and that is why I voted no.

Mr. JOHNSON of South Dakota. Madam President, I rise today to express my views on the bill that is before us—H.R. 3606—the Jumpstart Our Business Startups Act. This bill is a package of measures intended to increase capital formation a goal which I believe Democrats and Republicans share. Banking Committee members on both sides of the aisle, including Senators SCHUMER, CRAPO, TESTER, VITTER, MERKLEY, TOOMEY, BENNET and JOHANNS, teamed up to introduce a number of bipartisan legislation on this issue, and I commend them for their hard work.

Small businesses are the engine of the American economy. Start-ups and small businesses create a majority of new jobs, and they deserve every opportunity to take an idea and turn it into an exciting, new venture that could lead to the next great American company.

Investments are often necessary resources that allow start-ups and small businesses to grow. Unfortunately, the recent trend is that fewer emerging growth companies are entering the U.S. capital markets though IPOs. According to the IPO Task Force, 92 percent of job growth occurred after a company's IPO, so it makes sense to consider ways to facilitate more IPOs in a manner that protects investors. There are also novel ideas to help start-ups raise money over the Internet, reaching out to their friends through social media and inviting them to invest small amounts to help them grow their business.

So in considering these new ideas to spur job creation in a balanced and thoughtful way, the Banking Committee held four hearings since last summer. We heard a wide range of views on how best to modernize our securities laws to allow new and growing companies to raise capital, but in a way that does not undermine investor protections so that people will still be willing to invest.

At our hearings and through our efforts to explore this subject, members of the Banking Committee heard concerns about provisions in the House bill before us from a number of experts, including the Chairman of the Securities and Exchange Commission. One piece of the legislation attempts to encourage more companies to pursue an IPO by creating a so-called ''on-ramp.'' The House bill determines that companies under $1 billion in annual revenue should be exempt from disclosures for up to 5 years. Witnesses at the Banking Committee's hearings raised concerns about whether this threshold is appropriate and accurately reflects those companies that need relief most. The House bill contains a provision to restrict the independence of accounting standard-setting by the Financial Accounting Standards Board. For many years Congress has debated whether we

should legislate accounting standards or leave it to the experts. I remain unconvinced that interfering with the independence of FASB would be an appropriate action for Congress to take or would inspire more people to invest in IPOs.

It is also unclear that eliminating safeguards to reduce conflicts of interest between stock research analysts and firms selling stock, as the House bill does, will on the whole be beneficial. The absence of such safeguards a decade ago led analysts to write conflicted stock recommendations which too many Americans believed and relied upon to invest, and ultimately lose, their money. Those misleading and fraudulent stock recommendations caused many Americans to pull out of the market and lose confidence in the integrity of the financial system. We must closely monitor this area going forward.

Crowdfunding is a concept with potential, but I do not think that the House bill provides appropriate oversight of the online funding platforms to ensure that unsuspecting investors are not ripped off by an online scam. Operators of online funding platforms are not required to register with the SEC. While there is some information these operators are required to share with regulators, it remains unclear if this modest sharing of information will be sufficient for regulators to monitor these new equity-raising platforms in the same way investments on the stock market are monitored. The House bill needlessly limits the involvement of State securities regulators to help the SEC oversee new crowdfunding operations.

In response to these concerns on crowdfunding, I was pleased to assist Senators MERKLEY, BENNET and others in crafting an alternative approach that strikes a better balance between capital formation and investor protection. The Merkley-Bennet amendment requires crowdfunding companies to provide basic disclosures, including a business plan and financial information to potential investors. It also requires companies offering stock online to either register as a broker-dealer with the SEC, or pursue a ''funding portal'' registration. This will provide greater oversight than the House bill. Among other key improvements, the Merkley-Bennet amendment provides for stronger Federal-State oversight coordination, and it allows for properly scaled investment limits as well as an aggregate investment cap across all crowdfunded companies, further protecting investors. For these reasons and more, I urge my colleagues to correct the weak House crowdfunding title and join me in supporting the Merkley-Bennet amendment.

Another provision in the underlying House bill modernizes the Regulation A threshold by raising the cap on how much money can be raised in the capital markets without registering with the SEC. The House bill transfers authority away from Congress by requiring the SEC to review and potentially raise the threshold every 2 years. This has the potential to preclude a rigorous public debate about when and why the Regulation A threshold should be raised again.

The House bill would also expand the ability of companies to advertise private offerings to accredited investors, referred to as Regulation D. Some have raised concerns that there are not enough protections for our seniors, who could be misled into investing in a company without a full appreciation of the level of risk they are taking on. This will also warrant close attention moving forward to ensure seniors are not taken advantage of.

Finally, while I believe the current 500–Shareholder Rule should be updated, it is unclear if the House approach to dramatically raise the threshold to 2,000 shareholders of record is a balanced approach. A more modest increase seems more appropriate to balance investor protection and transparency with capital formation.

Throughout this process I have sought to help address needed investor protections in a thoughtful manner while helping to support entrepreneurs, grow small businesses, and put Americans back to work.

But I did not write the underlying House bill before us today, and I was pleased to help support my colleagues in drafting the Senate substitute amendment. I believe the Senate substitute addresses each of the concerns I raised. I am disappointed more of my colleagues did not support this alternative that would have increased protections for investors.

That said, no piece of legislation is perfect, and this bill contains innovative new solutions that have the potential to boost the economy. Small businesses and startups deserve the opportunity to test these new ideas, but Congress has chosen to act quickly.

The House bill received 390 votes in the House, including most House Democrats, and the President and the Majority Leader support it. So despite my misgivings over a number of these provisions, I will support my Leader and the President and vote for this legislation.

That said, we must all keep an eye on the effects of these changes as we plow this new ground. As lawmakers, we seek out the appropriate balance in writing laws, doing our best to promote a strong economic recovery while protecting the public from abuse and fraud which would undermine the confidence in our financial system.

While I will support this underlying package today, I believe we all have a shared responsibility to ensure that going forward the new changes that we pass today will truly benefit, and not undermine, both start-ups and investors alike.

Mr. BAUCUS. Madam President, in Taming of the Shrew, William Shakespeare wrote:

> There is small choice in rotten apples.

I am here to talk about the choice we have this afternoon, on voting for final passage of H.R. 3606.

Over the past week, the Senate has been debating a bill the House has called the JOBS Act. But as former Securities and Exchange Commission chief accountant Lynn E. Turner said recently:

> It won't create jobs, but it will simplify fraud.

I fully support finding ways to help the private sector create good-paying jobs.

Last year, I worked with my colleagues on both sides of the aisle to pass the Vets Jobs bill, cutting taxes for small businesses while helping veterans get back to work. This Chamber also passed three free trade agreements, setting the stage to increase American exports to Korea, Colombia, and Panama by an estimated $13 billion a year, resulting in tens of thousands of new jobs. And just last week, the Senate passed overwhelmingly the highway bill, which will create and sustain more than 14,000 American jobs per year.

But our choice today leaves much to be desired. While this bill includes some very positive changes to enhance and encourage small business investment, it includes several rotten apples that roll back important investor protections and put the integrity of our markets into question.

So quickly we forget the past. Just over a decade ago, a company called Enron revealed one of the largest corporate and accounting scandals of our time. We all remember the stories of documents shredded, shell companies, exaggerated profits, and lax accounting rules.

Within 1 month, shareholders lost nearly $11 billion as Enron stock plummeted. Families and employees lost their entire savings in a matter of days. Investor confidence in the entire system evaporated.

Just a few years earlier, the dot-com boom hit a fever pitch. Wall Street firms worked frantically to put together initial public offerings for fledgling Internet companies. At the same time, these firms would agree to release upbeat research reports supporting the upcoming IPO in exchange for the company's underwriting business. Unassuming investors relied on this public research touting the IPOs, while firms failed to fully disclose the inherent conflicts of interest.

Congress and the Securities and Exchange Commission responded to these scandals by putting investor protections in place to restore confidence in the markets and ensure companies provide comprehensive and honest information to the public. Thanks to these protections, investors no longer have to wonder whether the accounting and auditing disclosures are, in fact, independent and accurate. We can't afford to go backward.

Still, these rules are not perfect. Congress should be looking at ways to

ensure small businesses are given a level playing field.

I hear from Montana small businesses that rules under the Sarbanes-Oxley Act can be costly and time-consuming for small companies which simply lack capacity to handle the extra regulation. I agree we must also look at what these rules may be doing to hamper growth of U.S. small businesses. But we should not forget the past. We should not exempt big business carte blanche without fully discerning the implications.

There are several pieces of this legislation with which I agree. I commend my colleague and friend from the State of Montana, Senator TESTER, for his tireless effort to address legitimate concerns with the current cap on small business public offerings.

Senator TESTER introduced his bipartisan measure after meeting and talking to growing companies in Montana and elsewhere that could benefit greatly from raising the cap on regulation A small public offerings. Rob Bargatze, founder and CEO of Ligocyte, in Bozeman, MT, and chairman of the Montana Bioscience Alliance, testified in the Banking Committee last year on ideas to improve access to capital for the emerging bio industry.

Rob rightly points out that the current $5 million cap ''does not allow for a large enough capital influx for companies to justify the time and expense necessary to satisfy even the relaxed offering and disclosure requirements.'' Senator TESTER has done extraordinary work to shepherd this bill forward. It received considerable support in the House, and was included in the Senate substitute amendment that I supported on Tuesday.

However, this straightforward update to regulation A has been folded into a broader House package. This package includes enough rotten apples to spoil the whole bunch. The House fails to take heed of past history. This bill goes too far in relaxing investor protections critical to preserving the integrity and transparency our markets depend on to function.

For example, this bill includes a new IPO process to exempt companies from many SEC rules for a period of 5 years. The idea is to give small emerging companies time to comply with new auditing and reporting requirements. However, the House bill applies to all offerings by companies with sales less than $1 billion. At this level, even the very large, well-established companies will have a free pass for 5 years before complying with the very rules put in place to protect investors and the markets from another Enron-type scandal.

Furthermore, the House creates a gaping hole in the rules set up after the dot-com bubble to prevent an underwriting bank from publishing research reports in support of the upcoming IPO. The House bill would now allow underwriting banks to issue such research to unsuspecting investors. And it limits the company's responsibility to make sure such research is accurate and comprehensive.

We have seen too many examples lately of what can happen when we don't protect the little guys from Wall Street greed—just look at how MF Global took advantage of Montana ranchers, and that is when there were rules in place. We can't afford to go back to the days when Enron was able to swindle thousands of Americans out of their life savings.

I appreciate the work of my colleagues on this matter, but we owe it to American workers and families to see to it that this bill preserves investor confidence and integrity in our markets.

I simply cannot support the House package containing so many bad apples.

The PRESIDING OFFICER. Under the previous order, all postcloture time has expired.

The question is on agreeing to the Reed amendment No. 1931.

The amendment (No. 1931) was rejected.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

AMENDMENT NO. 1884

Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to the Merkley amendment No. 1884.

Who yields time?

The Senator from Oregon.

Mr. MERKLEY. Madam President, I have 1 minute?

The PRESIDING OFFICER. The Senator is correct.

Mr. MERKLEY. Colleagues, I want to encourage you to adopt amendment No. 1884. The House bill, as it came to us, on crowdfunding is a pathway to predatory scams. It requires no information to be provided by a company; and if the company provides information, it requires no responsibility or accountability for the accuracy of that information. It allows companies to hire people to pump the stocks, which is exactly what we all know, from pump-and-dump schemes, is very devastating to any sort of solid financial foundation for capital aggregation, capital formation.

I want to applaud my colleagues Senator BENNET, Senator LANDRIEU, and Senator BROWN of Massachusetts, who have worked together to bring this bipartisan amendment forward. It provides the right amount of streamlining for the companies, the right amount of streamlining for portals on the Internet, and the right set of investor protections, information, and accountability necessary to make crowdfunding fulfill the exciting potential it has.

I thank the Chair.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time in opposition?

Mr. KYL. I yield back.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to amendment No. 1884.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 35, as follows:

[Rollcall Vote No. 54 Leg.]

YEAS—64

Akaka	Franken	Murkowski
Baucus	Gillibrand	Murray
Begich	Grassley	Nelson (NE)
Bennet	Hagan	Nelson (FL)
Bingaman	Harkin	Pryor
Blumenthal	Hutchison	Reed
Blunt	Inouye	Reid
Boxer	Johnson (SD)	Rockefeller
Brown (MA)	Kerry	Sanders
Brown (OH)	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Snowe
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Coats	Levin	Udall (CO)
Cochran	Lieberman	Udall (NM)
Collins	Manchin	Warner
Conrad	McCaskill	Whitehouse
Coons	Menendez	Wicker
Cornyn	Merkley	Wyden
Durbin	Mikulski	
Feinstein	Moran	

NAYS—35

Alexander	Hatch	Paul
Ayotte	Heller	Portman
Barrasso	Hoeven	Risch
Boozman	Inhofe	Roberts
Burr	Isakson	Rubio
Chambliss	Johanns	Sessions
Coburn	Johnson (WI)	Shelby
Corker	Kyl	Thune
Crapo	Lee	Toomey
DeMint	Lugar	Vitter
Enzi	McCain	Webb
Graham	McConnell	

NOT VOTING—1

Kirk

The amendment (No. 1884) was agreed to.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, prior to a vote on passage of H.R. 3606, as amended.

The Senator from Rhode Island.

Mr. REED. Madam President, the House bill has some very promising concepts about providing access to capital. What it fails to do is adequately protect investors.

We have tried, through our alternative, to protect investors. That alternative has been rejected on a cloture vote by the Senate. We have made some improvements with the Merkley proposal, but we are not quite to the point yet where I think we can be confident that investors will be protected.

As such, I think we should vote against this legislation, and that we should in fact try again and get it right. That is why the head of the Securities Exchange Commission opposes this, and the state securities regulators, and former heads of the Securities Exchange Commission, and the Council of Institutional Investors, and many others.

We are opening up vast loopholes in our securities laws without adequate disclosure for investors. I think we will regret this vote.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Madam President, I claim the time in support of the legislation.

I suggest that we are on the verge of doing something very constructive for our economy, for small businesses, and for job growth, and it might be one of the most constructive things we are going to do this year in that area.

This legislation makes it easier and more affordable for young and growing companies to go public, to raise the capital they need to grow, to hire more workers. It also actually makes it easier for those who want to remain private and to attract more investors, and to do so without triggering the very onerous and expensive regulations attendant to being a public company.

This is going to create more jobs and more growth in the economy. That is why it passed the House with a vote of 390 to 23. That is why the President of the United States has endorsed this bill and said he will sign it into law. That is why there are dozens and dozens of organizations and groups and companies and trade associations that support this legislation, so that we can do something right here, right now, today, that the President will sign into law, which will help small and growing companies raise the capital they need to grow.

I urge my colleagues to vote yes.

The PRESIDING OFFICER. The question is, Shall the bill, as amended, pass?

Mr. INHOFE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Mrs. MCCASKILL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 26, as follows:

[Rollcall Vote No. 55 Leg.]

YEAS—73

Alexander	Blunt	Carper
Ayotte	Boozman	Casey
Barrasso	Brown (MA)	Chambliss
Bennet	Burr	Coats
Bingaman	Cantwell	Coburn
Cochran	Johnson (WI)	Reid
Collins	Kerry	Risch
Coons	Klobuchar	Roberts
Corker	Kohl	Rubio
Cornyn	Kyl	Schumer
Crapo	Lee	Sessions
DeMint	Lieberman	Shaheen
Enzi	Lugar	Shelby
Graham	Manchin	Snowe
Grassley	McCain	Stabenow
Hagan	McCaskill	Tester
Hatch	McConnell	Thune
Heller	Menendez	Toomey
Hoeven	Moran	Udall (CO)
Hutchison	Murkowski	Vitter
Inhofe	Nelson (NE)	Warner
Inouye	Nelson (FL)	Wicker
Isakson	Paul	Wyden
Johanns	Portman	
Johnson (SD)	Pryor	

NAYS—26

Akaka	Feinstein	Mikulski
Baucus	Franken	Murray
Begich	Gillibrand	Reed
Blumenthal	Harkin	Rockefeller
Boxer	Landrieu	Sanders
Brown (OH)	Lautenberg	Udall (NM)
Cardin	Leahy	Webb
Conrad	Levin	Whitehouse
Durbin	Merkley	

NOT VOTING—1

Kirk

The bill (H.R. 3606), as amended, was passed.

STOP TRADING ON CONGRESSIONAL KNOWLEDGE ACT OF 2012

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to concur in the House amendment to S. 2038, which the clerk will report.

The legislative clerk read as follows:

Motion to concur in the House amendment to S. 2038, an original bill 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.

The PRESIDING OFFICER. Under the previous order, there will be 4 minutes of debate, equally divided in the usual form.

Mr. LIEBERMAN. I thank the Chair. I urge my colleagues on both sides of the aisle to support this bipartisan and now bicameral congressional ethics measure. This started as a response to stories and allegations that Members of Congress would not be held liable for insider trading. It then developed into what I think is the most significant congressional ethics legislation we have adopted in at least 5 years. It has been in a lot of other public disclosure and good government measures.

I wish to give particular thanks to Senator KIRSTEN GILLIBRAND and SCOTT BROWN, who led the effort and took the initiative that got this ball rolling.

I yield the rest of my time to Senator GILLIBRAND.

Mrs. GILLIBRAND. I thank the Chairman.

We are certainly taking a significant step forward, on behalf of the American people, toward restoring some faith our country has in their government. I wish to thank Leader REID for his leadership, Chairman LIEBERMAN, Ranking Member COLLINS, Senator BROWN, and all our colleagues on both sides of the aisle who worked so hard to pass this legislation.

I wish to thank my colleague from New York, LOUISE SLAUGHTER, who fought so hard and so long toward this effort.

This legislation was a rare instance where 96 Senators came together to deliver results for the American people. We passed a strong bill with teeth that will clearly and expressly make it illegal for Members of Congress, their staff, and their families to gain personal profits from nonpublic information gained through their service.

I strongly believe we have to make it clear no one is above the law and that Members of Congress need to play by the exact same rules as every other American. It is simply the right thing to do.

This is a commonsense bill and Americans can be assured our only interest is in their interest. When President Obama signs the STOCK Act, we will have begun to restore the public's faith in Washington.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Maine.

Ms. COLLINS. Madam President, I ask that I be notified after 1 minute.

The PRESIDING OFFICER. The Senator will be notified.

Ms. COLLINS. Mr. President, I rise to speak in favor of the STOCK Act, which we will be voting on very shortly. This legislation is based on a bill that was first introduced in the Senate last fall by Senator SCOTT BROWN, and a similar one introduced by Senator GILLIBRAND. I wish to commend them both for their work on this legislation. As a cosponsor of Senator BROWN's bill, I especially want to recognize his leadership on this issue.

I also wish to recognize Chairman LIEBERMAN for all the work he has done in moving this important bill through our committee, through a robust debate here on the Senate floor, and to final passage today.

Last fall, press reports on ''60 Minutes'' and elsewhere raised the question of whether lawmakers are exempt, either legally or practically, from the insider trading laws.

The STOCK Act is intended to affirm that Members of Congress are not exempt from our laws prohibiting insider trading. As we saw when we first considered this legislation, despite reassurances from legal experts and the SEC that no so such exemption exists, there has been persistent disagreement about the issue. That's why we feel it is important to send a very clear message that Members of Congress are not exempt from the insider trading laws, and that is exactly what this bill does.

Last month the Senate passed its version of the STOCK Act by an overwhelming bipartisan margin of 96 to 3. That bill had, at its heart, the affirmation of a duty arising from the relationship of trust and confidence already owed by Members and their staff

to the Congress, the U.S. Government, and the citizens we serve.

As I explained when we considered the Senate version, this is not a new fiduciary duty, in the traditional sense, but the recognition of an existing duty. The bill we passed also affirmed that the employees of the executive and judicial branches owe a similar duty, and must also comply with the insider trading laws.

There are differences, of course, between the bill we passed last month and the House version before us today. I believe we could have quickly resolved those differences in conference, and would have preferred that route. Still, this is a strong bill that has received overwhelming bipartisan support. It preserves the core of the bill passed by the Senate: to make absolutely clear that elective office is a place for public service, not for private gain. Underscoring that important message is the chief purpose of the STOCK Act, and that is why I support it.

The PRESIDING OFFICER. The Senator has 1 minute.

Ms. COLLINS. We need to send a strong message that elective office is the place for public service and not private gain.

Mr. LEAHY. Mr. President, I, again, filed a carefully drafted version of the bipartisan Public Corruption Prosecution Improvements Act as an amendment to the STOCK Act. Despite near unanimous approval for this amendment just a few short weeks ago, there was an objection by the House Republican leadership to the anti-corruption measure and Senate Republicans objected to going to conference to restore this important anti-corruption provision which had been stripped out of the bill. I am deeply disappointed that the Senate is taking up the House version of the bill that stripped out our bipartisan anti-corruption measure without consideration or a vote.

My amendment reflects a bipartisan, bicameral agreement and would strengthen and clarify key aspects of Federal criminal law to help investigators and prosecutors attack public corruption Nationwide. The House stripped this amendment from the STOCK Act after a flurry of misinformation about what the amendment actually does. Senator CORNYN and I took concerns very seriously and addressed them effectively when we drafted the amendment. The amendment I seek to offer includes a further belt-and-suspenders modification to address any legitimate concern. It is carefully and narrowly drawn and will only reach clearly corrupt conduct.

The Senate Judiciary Committee has now reported the Public Corruption Prosecution Improvements Act with bipartisan support in three successive Congresses and it has passed the Senate by voice vote. The House Judiciary Committee reported a companion bill unanimously. It is past time for Congress to act to pass serious anticorruption legislation. That is what the Public Corruption Prosecution Improvements Act amendment would be.

Public corruption erodes the trust the American people have in those who are given the privilege of public service. Loopholes in existing laws have meant that corrupt conduct goes unchecked. The stain of corruption has spread to all levels of government and victimizes every American by chipping away at the foundations of our democracy. My amendment would help us to take real steps to restore confidence in government by rooting out criminal corruption.

In Skilling v. United States, the Supreme Court sided with a former executive from Enron and greatly narrowed the honest services fraud statute, a law that had been appropriately used for decades as a crucial weapon to combat public corruption and self-dealing. The Court's decision leaves open the opportunity for State and Federal public officials to secretly act in their own financial self-interest, rather than in the interest of the public. This amendment, in a precise manner without ambiguity, closes this gaping hole in our anticorruption laws.

If we are serious about addressing the kinds of egregious misconduct we have seen too often in recent years, Congress should enact meaningful legislation to give law enforcement the tools necessary to enforce our anticorruption law. The STOCK Act is much less meaningful without this important, substantive reform. I am deeply disappointed that the Senate apparently will not take the opportunity to support taking these modest steps to bring those who undermine the public trust to justice.

Mr. LEVIN. Madam President, today the Senate has the opportunity to vote in support of the STOCK Act. If we vote for the House amendment to the Senate bill, we can send this legislation right to President Obama to be signed into law. That is exactly what we should do.

The lifeblood of our democratic government is the contract between the people and their elected representatives, a contract that must be based on trust that elected officials will act for the good of our Nation and in the interests of their constituents, and not for personal gain. To ensure that we maintain that trust, our Nation has laws and our Congress has rules that establish clearly the responsibilities of government officials, Members of Congress and their staffs and provide for the enforcement of violations.

The legislation before us is, in a way, preventative maintenance to protect that trust. It is a tightening up of our legal and ethical guidelines as part of what must be a constant effort to assure that the interests of our Nation and our constituents come first. Our constituents must have confidence that Members of Congress and our staffs will not use our positions for our personal financial benefit.

To be clear, as it stands now, it is a violation of the trust our constituents place in us, a violation of the democratic process, a violation of the securities laws, and a violation of congressional ethics rules for Members of Congress or their employees to engage in insider trading—the use of information not available to the public to make investment decisions. But questions have been raised about insider trading by Members of Congress. The legislation before us today is designed to ensure that those questions are answered. It removes any doubt that insider trading by Members and employees of Congress is against the law and against Congressional rules. It is important to remove that doubt because any appearance of a breach in trust between Congress and our constituents is corrosive to honest, open and effective government.

Back in December, the Homeland Security & Governmental Affairs Committee, of which I am a member, held extensive discussions on the need to preserve that trust, including a very productive hearing on December 1. Later in December, our committee held a markup and approved the Stop Trading on Congressional Knowledge Act, or STOCK Act. I want to commend our chairman, Senator LIEBERMAN, and our ranking member, Senator COLLINS, for their leadership, and the many members of the committee, Democratic and Republican, who made contributions to that process.

Two things became clear during our hearings and our markup. The first is that there was consensus that we should remove any uncertainty about the prohibition against insider trading. The second thing that became clear was significant bipartisan desire to avoid any unintended consequences as we sought to remove any uncertainty. We reported out the legislation because of widespread agreement on our goals, but there remained concerns about the means, and it was understood that we would attempt to address those concerns before the bill came to the floor.

And so a number of us worked in the weeks after the markup to make sure that our goals and our means were in concert. We met that objective, and our consensus was reflected in the language of the bill that passed the Senate by a vote of 96 to 3. The House amendment before us today retains the key language from the Senate bill that Senator LIEBERMAN, Senator COLLINS and I, among others, worked so hard to get right. While some provisions that I supported have been removed by the House amendment, the central purpose of this bill remains the same. The House amendment, like the Senate bill it replaces, removes any uncertainty over the prohibition on insider trading, and it avoids unintended harmful consequences that concerned some of us.

I would now like to discuss two critical provisions in the bill before us today. The first reassures the American people that there are no barriers to prosecuting Members and employees

of Congress for insider trading. It does so through language establishing that Members and employees of Congress have a duty arising from ''a relationship of trust and confidence'' with the Congress, the government, and most importantly, with the American people. Establishing such a duty removes any doubt as to whether insider trading prohibitions apply to Congress. It is also important that the bill's language makes clear that in offering this new language it does not in any way prevent enforcement of the anti-insider trading provisions contained in current law. Again, I am confident that under current law, Members of Congress and our staffs are prohibited from insider trading. This bill will ensure that the current prohibition is unambiguous, and thereby strengthened.

The second major provision of the legislation instructs the Ethics Committees of both chambers to issue clear guidance to members and staffs regarding the prohibition on profiting from inside information. This guidance will clarify that existing rules in both chambers relative to gifts and conflicts of interest also prohibit the use of nonpublic information gained in the conduct of official duties for private profit.

Let me briefly mention one other provision, unrelated to insider trading but nonetheless an important step forward in terms of gaining the confidence of our constituents. As one of the originators of the Lobbying Disclosure Act of 1995, I am well aware of the value of transparency in government. The bill before us improves congressional transparency by requiring that personal financial disclosure filings required of members and certain staff are made available electronically to the public. But because this bill also significantly expands the number of officials required to file public disclosures, including law enforcement, military, and intelligence officers, it is critical that this provision be implemented in a way that is consistent with our national security interests. Care should be taken to ensure that public filers are not made unnecessarily vulnerable to malicious use of personal information.

The House amendment also removes a provision of the Senate bill that would have required political intelligence consultants to register in a way similar to how lobbyists are required to register currently. Instead, the House amendment, like the version of the Senate bill that was reported by the Homeland Security and Governmental Affairs Committee, requires the Comptroller General of the United States to study the role of political intelligence in financial markets and report back to Congress. It is corrosive of open government for political intelligence consultants to sell their access to officials. Before Congress acts to address this issue, we must learn more about it, which is why I support this study. I look forward to working with my colleagues to address this issue once we have the benefit of the Comptroller's report.

In addition to the insider trading and disclosure provisions, this bill contains numerous other important improvements to our ethics laws. I urge my colleagues to join together today, to pass this legislation and send it to President Obama for his signature.

I ask unanimous consent that my statement appear in the RECORD at the appropriate place before the vote on the STOCK Act.

CLOTURE MOTION ON THE STOCK ACT, S. 2038

Mr. LIEBERMAN. Madam President, I rise today to support cloture on the motion to concur in the House amendment to the ''Stop Trading on Congressional Knowledge Act,'' the ''STOCK Act''—S. 2038.

We have come a long way in a short time in a bipartisan fashion on this bill, which does many good things.

I want to start by thanking my colleagues, Ranking member COLLINS and Senators GILLIBRAND and BROWN for all their work on this bill.

And I want to thank Majority Leader REID for making the STOCK Act the first bill the Senate debated after the winter recess.

Mr. President, this problem received a jolt of momentum late last year when ''60 Minutes'' aired allegations that some Members of Congress and their staffs used information gained on their jobs to enrich themselves with time-sensitive investments in the stock market and nothing could be done because Congress had exempted itself from insider trading laws.

We took the issue up at a hearing of the Homeland Security and Governmental Affairs Committee in December and established that the charge that Congress had exempted itself from insider trading laws was just not true. However, it was also clear that existing laws needed to be clarified.

At our committee hearing, several securities law experts told us that there was ambiguity in the law and they could not be sure how a court would rule if there was a challenge to the SEC's authority to bring an insider trading case against a Member of Congress.

That is because, as the experts explained, a person may be found to have violated the insider trading laws only if he or she breaks a fiduciary duty, a duty of trust and confidence owed to somebody—to the shareholders of the company, or to the source of the nonpublic information, for example.

The experts told us that it is possible that a judge looking at existing case law might conclude that Members of Congress owe no duty to anyone with respect to the nonpublic information they receive while carrying out their duties. Now, if I were a judge, I would not see it that way. It seems self-evident that public office is a public trust, and that Members of Congress have a duty to the institution of Congress, to the government as a whole, and to the American people not to use information gained during their time in Congress—and unavailable to the public—to make investments for personal profit.

But the fact is that there are some very smart legal experts who are concerned that a judge would not see it that way. And this lack of clarity could in fact shield a Member of Congress from prosecution for insider trading.

The STOCK Act clarifies this ambiguity in the Security Exchange Act of 1934 by explicitly stating that Members of Congress and our staffs have a duty of trust to the institution of Congress, to the U.S. Government, and to the American people—a duty that Members of Congress violate if they trade on non-public information they gain by virtue of their position.

The bill also requires the Ethics Committees of both houses of Congress to issue guidance to clarify that Members and staff may not use non-public information derived from their position in Congress to make a private profit.

Besides these changes aimed at insider trading, the STOCK Act includes other significant Congressional ethics legislation. For example, it requires Members of Congress and their staffs to file public reports on their purchases or sale of stocks, bonds, commodities futures or other financial transactions exceeding $1,000 within 30 days of the transaction. Currently these trades are reported once a year. Timelier reporting will allow the SEC and the public to assess whether there is anything suspicious about the timing of the trade.

The bill also contains important language that requires financial disclosure forms filed by Members and staff be filed electronically and—perhaps even more significantly—be available online for public review.

There really is no sensible reason to make someone come physically into the House or Senate to see a copy of one of these financial disclosure forms, which are public records.

The bill will also require the Government Accountability Office to study and report back to Congress on so-called ''political intelligence'' consultants who sell information derived from government officials to investors.

The STOCK Act also contains several provisions that were added in the Senate or House to strengthen the bill, including language offered by Senator BLUMENTHAL related to the denial of Congressional benefits to Members who commit public corruption crimes; language offered by Senator BOXER that will, for the first time, require Members of Congress and senior Executive Branch officials to disclose their mortgages on their annual financial disclosure forms; and language offered by Senator MCCAIN to prohibit executives of Fannie Mae and Freddie Mac from receiving bonuses while the firms remain in federal conservatorship.

This is a very strong bill, in fact, the strongest Congressional ethics reform

bill that has been passed by Congress since we passed the Honest Leadership and Open Government Act in 2007.

This bill was reported as an original bill out of the Committee on Homeland Security and Governmental Affairs on December 13 by a vote of 7 to 2. Then, after thorough debate on the Senate floor, including the consideration of 20 amendments, the bill passed the Senate on Feb. 2 by a vote of 96 to 3.

The bill was sent to the House, which moved quickly and approved the STOCK Act just a week later by a lopsided majority of 417 to 2.

This is Congress at its best. A problem was identified that cut directly to the public's faith in this institution and we dealt with it quickly and on a bipartisan basis in both Houses.

This should not only be applauded but serve as a model as we take up other crucial legislation, such as Postal reform and cybersecurity. This shows we can work together rather than engage in a perpetual partisan tug of war.

Mr. President, in his farewell address to the Nation, President Washington said that ''virtue or morality is a necessary spring of popular government'' and that we cannot ''look with indifference'' at anything that shakes that foundation.

The STOCK Act offers us a chance to restore trust in our elected government and to show those who, with their votes, gave us the honor of representing them here, that the only business we do here is the people's business.

DUTY PROVISIONS

Mr. REID. There are many important issues facing our country today and solutions will require bipartisan cooperation. The STOCK Act has enjoyed overwhelmingly bipartisan support because it addresses a key issue, namely government accountability to the American people.

Members of Congress and those we employ must be held accountable to the same standards and laws as the citizens we represent. We owe a duty of trust and loyalty to the American people to conduct our private lives with the highest integrity and to never abuse our office to gain unfair or unethical financial advantages. I am pleased that we have voted overwhelmingly to pass a bill that closes any loopholes, real or perceived, in this regard.

I would note specifically that the STOCK Act requires that Members of Congress and their staffs abstain from profiting on any nonpublic information derived from a person's position or gained in the performance of official responsibilities. The bill also makes absolutely clear that Members and staff are not exempt from the insider trading prohibitions arising under the securities laws, including section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 thereunder.

However, and I think my distinguished colleague from Connecticut will agree, the STOCK Act should not be interpreted as limiting government transparency in any way. Discourse with the public, whether privately or publicly, is vital to maintaining a healthy democratic society.

Mr. LIEBERMAN. I thank the Senator from Nevada. I am happy about the reforms that Congress has adopted, and I agree that the STOCK Act is not intended to limit government transparency or hinder dissemination of information to interested parties regarding Congressional activities and deliberations.

In the interest of clarity for the record, I would like to state that the STOCK Act does not turn information regarding Congressional activities and deliberations that was previously not material, into material information with respect to securities laws. I would also note that a Member or employee of Congress who, in the course of performing their duties, has a nonpublic conversation with a citizen or constituent does not automatically violate the duty imposed by Section 4(b)(2) the STOCK Act.

Mr. REID. I thank the Senator from Connecticut for his comments. With regard to the Chairman's last remark, I would like to point out that my office has fielded concerns from multiple sources that the duty language may be interpreted by the SEC as creating liability for public officials and their staff when communicating privately with constituents. There is concern that a threat of this would have a significant chilling effect on government transparency. I understand however that in conversations with my leadership staff the SEC has explicitly clarified that it does not view the STOCK Act as creating new limitations on the disclosure of Congressional information in conversations with constituents. I also understand that leadership staff has been assured by the SEC that any case brought under the insider trading prohibitions would still require the SEC to prove that a Member of Congress or their staff acted with scienter, which means acting corruptly, knowingly, recklessly or in bad faith.

Mr. LIEBERMAN. The Democratic leader is correct. As the Director of Enforcement at the SEC, Robert Khuzami, stated in his testimony before the House Financial Services Committee: ''You have to be acting with corrupt intent, knowledge, or recklessness. If you act in good faith, you're not going to be guilty.'' My staff had detailed conversations with the SEC while drafting the duty provisions and raised these concerns specifically. Our goal in drafting the duty provisions of the STOCK act was to ensure that insider trading restrictions apply to government officials no differently than they do to the rest of the public, but at the same time, avoid unintended consequences that could curtail interaction between Congress and the public.

Mr. REID. Furthermore, it is my understanding that Section 11 of this bill is not intended to override the authority of the President to exempt from public availability the financial disclosure reports of individuals engaged in intelligence activities, which is contained in section 105(a)(1) of the Ethics in Government Act. As to the executive branch, section 105(a)(1) applies to all of the public availability requirements of this bill.

Mr. LIEBERMAN. That is correct. It is not the intent of the STOCK Act to override the President's authority for necessary exemptions for intelligence activities.

Ms. COLLINS. I yield the remainder of my time to Senator SCOTT BROWN.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Madam President, today, we put America first and we passed a bipartisan and now bicameral bill the President will sign, and we took a step to ending the deficit of trust hurting our democracy. I wish to thank Senator GILLIBRAND and the leadership of Senator COLLINS and Senator LIEBERMAN for marking this up so quickly. Today is a good day.

The STOCK Act will affirm that Members of Congress are not above the law and will increase transparency by requiring Members of Congress and highly compensated Federal employees to disclose all their trading activity within 45 days. Today, America is a government by the people and for the people, and that means our elected officials must follow the same laws as everybody. We have taken a step toward reestablishing trust, and today we are one step closer to making every seat the people's seat.

I encourage everybody to support this passage.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant 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 the Reid motion to concur in the House amendment to S. 2038, the Stop Trading on Congressional Knowledge Act.

Harry Reid, Jeff Bingaman, Daniel K. Inouye, Joseph I. Lieberman, Tim Johnson, Daniel K. Akaka, Richard J. Durbin, Charles E. Schumer, John Barrasso, Scott P. Brown, Mitch McConnell, Jon Kyl, Richard C. Shelby, Rob Portman, John Cornyn, John Hoeven, Marco Rubio, Lisa Murkowski, Jeff Sessions, Mike Johanns, Tom Coburn, Susan M. Collins.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to concur on the House amendment to S. 2038, an act 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, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The yeas and nays resulted—yeas 96, nays 3, as follows:

[Rollcall Vote No. 56 Leg.]

YEAS—96

Akaka	Gillibrand	Moran
Alexander	Graham	Murkowski
Ayotte	Hagan	Murray
Barrasso	Harkin	Nelson (NE)
Baucus	Hatch	Nelson (FL)
Begich	Heller	Paul
Bennet	Hoeven	Portman
Bingaman	Hutchison	Pryor
Blumenthal	Inhofe	Reed
Blunt	Inouye	Reid
Boozman	Isakson	Risch
Boxer	Johanns	Roberts
Brown (MA)	Johnson (SD)	Rockefeller
Brown (OH)	Johnson (WI)	Rubio
Cantwell	Kerry	Sanders
Cardin	Klobuchar	Schumer
Carper	Kohl	Sessions
Casey	Kyl	Shaheen
Chambliss	Landrieu	Shelby
Coats	Lautenberg	Snowe
Cochran	Leahy	Stabenow
Collins	Lee	Tester
Conrad	Levin	Thune
Coons	Lieberman	Toomey
Corker	Lugar	Udall (CO)
Cornyn	Manchin	Udall (NM)
Crapo	McCain	Vitter
DeMint	McCaskill	Warner
Durbin	McConnell	Webb
Enzi	Menendez	Whitehouse
Feinstein	Merkley	Wicker
Franken	Mikulski	Wyden

NAYS—3

Burr	Coburn	Grassley

NOT VOTING—1

Kirk

The PRESIDING OFFICER. On this vote, the yeas are 96, the nays are 3. 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 refer falls as inconsistent with cloture.

Under the previous order, all postcloture time is yielded back, the motion to concur in the House amendment with amendment No. 1940 is withdrawn, and the motion to concur in the House amendment is agreed to.

Under the previous order, the motion to reconsider is considered made and laid upon the table.

EXECUTIVE SESSION

NOMINATION OF DAVID NUFFER TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF UTAH

NOMINATION OF RONNIE ABRAMS TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

NOMINATION OF RUDOLPH CONTRERAS TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations which the clerk will report.

The bill clerk read 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.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided in the usual form.

The Senator from Vermont.

Mr. LEAHY. Madam President, the Senate is about to vote on the nomination of David Nuffer to fill a judicial emergency vacancy on the Federal trial court for Utah. This is not a nomination that should have been filibustered or required the filing of a cloture motion in order to be scheduled for consideration by the Senate. This is a nomination, reported unanimously by the Judiciary Committee over 5 months ago, that we should have voted on and confirmed last year.

Today's consideration was facilitated when the majority leader and the republican leader came to an understanding last week. With a judicial vacancies crisis that has lasted years, and nearly one in 10 judgeships across the Nation vacant, the Senate needs to work to reduce judicial vacancies significantly before the end of the year.

Unlike the nearly 60 district court nominees of President Bush who were confirmed within a week of being reported by the Judiciary Committee during President Bush's first term, qualified, consensus nominees to fill vacancies on our Federal courts have been needlessly stalled during President Obama's first term. The five-month delay in the consideration of Judge Nuffer is another example of the needless delays that were occasioned by Republicans' unwillingness to agree to schedule the nomination for a vote. The application of the ''new standard'' the junior Senator from Utah conceded Republicans are applying to President Obama's nominees continues to hurt the America people all over the country who are being forced to wait for judges to fill these important Federal trial court vacancies and hear their cases. Justice is being delayed for millions of Americans.

This nomination is one of the 20 circuit and district court nominations ready for Senate consideration and a final confirmation vote. They were all reported favorably by the Judiciary Committee after thorough review. All but a handful are by any measure consensus nominations, as is Judge Nuffer. There was never any good reason for the Senate not to proceed to votes on these nominations. It should not have taken cloture motions to get agreement to schedule votes on these qualified, consensus judicial nominations.

Judge Nuffer has been serving over the last 17 years as a magistrate judge for the very court to which he was nominated by the President. By any sensible standard he should be confirmed. No ''new standard'' should be used to oppose his confirmation. Like Judge Nuffer, the other nominees awaiting votes by the Senate are qualified judicial nominees. They are nominees whose judicial philosophy is well within the mainstream. These are all nominees supported by their home State Senators, both Republican and Democratic. The consequence of these months of delays is borne by the millions of Americans who live in districts and circuits with vacancies that could be filled as soon as Senate Republicans allow votes on the judicial nominations currently before the Senate awaiting their final consideration.

We must continue with the pattern set by last week's agreement. The Senate needs to make progress beyond the 14 nominations in that agreement and beyond the 20 nominations currently on the calendar. There are another eight judicial nominees who have had hearings and are working their way through the committee process. There was another needless delay when Republicans boycotted the Judiciary Committee meeting last week and prevented a quorum while insisting on a meeting to hold over nominees. We will overcome that and have those nominations before the Senate this spring.

I hope the committee will hold hearings on another 11 nominations in the next few weeks. One of those nominees, Robert Shelby, is to fill the other vacancy on the United States District Court for the District of Utah. Whether he is included depends in large measure on the Senators from Utah.

I have assiduously protected the rights of the minority in this process. I have only proceeded with judicial nominations supported by both home State Senators. That has meant that we are not able to proceed on current nominees from Arizona, Georgia, Nevada, Florida, Oklahoma and Utah. I even stopped proceedings on a circuit court nominee from Kansas when the Kansas Senators reversed themselves and withdrew their support for the nominee.

I have been discussing with the junior Senator from Utah whether he will

support the nomination of Robert Shelby. I have yet to receive assurance that he will. His vote today on the Nuffer nomination may provide a clue.

When the Judiciary Committee considered the nomination of David Nuffer, both Republican home State Senators, Senator HATCH and Senator LEE, strongly supported the President's nomination. This is another nomination on which President Obama reached out and consulted with Republican home State Senators. The Senators from Utah supported this nomination when the President made it last year and when after hearing and study it was voted on by the Senate Judiciary Committee. They both serve on the Committee. Had either of them opposed this nomination, I would not have proceeded with it. They supported it. I hope this will not be another occasion on which either switches his vote from yes to no. That is another new practice and new standard that Senate Republicans have seemed to adopt.

By working steadily and by proceeding with the regular consideration of judicial nominations, I hope the Senate ensures that the Federal courts have the judges they need to provide justice for all Americans without needless delay. In the two most recent presidential election years, 2004 and 2008, we worked together to reduce judicial vacancies to the lowest levels in decades. In 1992, with a Republican President and a Democratic Senate majority, we confirmed 66 judicial nominees.

Our courts need qualified Federal judges, not vacancies, if they are to reduce the excessive wait times that burden litigants seeking their day in court. It is unacceptable for hard-working Americans who turn to their courts for justice to suffer unnecessary delays. When an injured plaintiff sues to help cover the cost of his or her medical expenses, that plaintiff should not have to wait 3 years before a judge hears the case. When two small business owners disagree over a contract, they should not have to wait years for a court to resolve their dispute.

I went back and checked my recollection of how we considered consensus Federal trial court nominees in President Bush's first term. Nearly 60 were confirmed within a week of being voted on by the Senate Judiciary Committee. By contrast there have only been two judicial nominees voted on so promptly since President Obama took office. I said at the time we were able to vote on the Alabama nominee supported by Senator SESSIONS, who was at that time the Committee's Ranking Republican member, and on Judge Reiss of Vermont, that I hoped they would become the model for regular order. Instead, they stand out as isolated exceptions to the months of delay Senate Republicans have insisted on before considering consensus Federal trial court nominees of this President. Today, the Senate will vote on the nominations of Ronnie Abrams and Rudolph Contreras to fill judicial vacancies in the U.S. District Courts for the Southern District of New York and the District of Columbia. These are both nominations that were reported unanimously by the Judiciary Committee over 4 months ago. They are among the many nominations that could and should have been voted on and confirmed last year.

Today's votes are pursuant to the agreement reached by the majority leader and the Republican leader last week. Although I commend the step forward, the Senate must continue to vote on judicial nominations reported by the Judiciary Committee beyond the dozen encompassed by that agreement, if we are to make significant progress in reducing the vacancies across the Nation that number nearly one in 10.

Just yesterday, I read an article about the crushing caseload that the Federal courts in Arizona currently face. I will ask unanimous consent to include a copy of the article, entitled ''Federal courts in Arizona face crushing caseload,'' in the RECORD at the conclusion of my remarks. In the article, the chief judge of Arizona's Federal trial court noted that they are in ''dire circumstances'' and that they are ''under water'' from all the cases on their docket. The report notes that the Federal court not having its full complement of judges ''lessens the quality of justice for all parties involved.'' They are relying on visiting judges from other courts around the country to assist with their court proceedings. In too many places around the country, our Federal courts have to rely on senior judges. Their dedication is commendable but they should not be carrying such heavy workloads.

The needless 4-month delays in the consideration of Ronnie Abrams and Rudolph Contreras are just more examples of the delays that have been occasioned by Republicans' unwillingness to agree to schedule the nominations for a vote. The Senate must return to the practice of moving forward on consensus nominees and of ''build[ing] bridges instead of burn[ing] them,'' as Senator COBURN urged.

The nominations today are two of the 20 circuit and district court nominations ready for Senate consideration and a final confirmation vote. They were all reported favorably by the Judiciary Committee after thorough review. All but a handful are by any measure consensus nominations, as are Ms. Abrams and Mr. Contreras. There was never any good reason for the Senate not to proceed to votes on these nominations. It should not have taken cloture petitions to secure agreement to schedule votes on these qualified, consensus judicial nominations.

Ronnie Abrams is nominated to serve as a Federal trial judge on the Southern District of New York. She is an experienced attorney who spent 10 years as a Federal prosecutor in the district to which she has been nominated. She served as Chief of the General Crimes Unit and Deputy Chief of the Criminal Division. Since 2008, Ms. Abrams has worked as Special Counsel for Pro Bono at the New York law firm Davis Polk & Wardwell, where she began her legal career after clerking for Chief Judge Thomas Griesa in the U.S. District Court for the Southern District of New York.

Rudolph Contreras is nominated to serve as a Federal trial judge in the District of Columbia. Born to Cuban immigrants, Mr. Contreras has devoted his career to public service for the last 17 years. He worked as an Assistant U.S. Attorney in the District of Columbia and in Delaware. He has risen to be the chief of the Civil Division of the U.S. Attorney's Office for the District of Columbia, where he currently serves. The delay in considering his nomination recalls the 4-month filibuster against the nomination of Judge Adalberto Jordan of Florida. On that nomination, Senate Republicans delayed the vote for another 2 days after cloture was invoked and the filibuster brought to an end. Judge Jordan was then finally confirmed as the first Cuban-American to serve on the U.S. Court of Appeals for the Eleventh Circuit.

The consequences of these months of delays are borne by the nearly 160 million Americans who live in districts and circuits with vacancies that could be filled as soon as Senate Republicans agree to up or down votes on the 20 judicial nominations currently before the Senate awaiting a confirmation vote.

The Senate must continue the actions allowed by last week's agreement. The Senate needs to make progress beyond the nominations included in that agreement, and beyond the 20 nominations currently on the calendar. There are another eight judicial nominees who have had hearings and are working their way through the Committee process. Several of those were needlessly delayed last week when Republicans boycotted the Judiciary Committee meeting and prevented a quorum after insisting on a meeting only to hold over nominees. There are another 11 nominations on which the Committee should be holding additional hearings during the next several weeks. By working steadily and by continuing the regular consideration of judicial nominations represented by last week's understanding between the leaders, the Senate can do its part to ensure that the Federal courts have the judges they need to provide justice for all Americans without needless delay.

Our courts need qualified Federal judges, not vacancies, if they are to reduce the excessive wait times that burden litigants seeking their day in court. It is unacceptable for hard-working Americans who turn to their courts for justice to suffer unnecessary delays. When an injured plaintiff sues to help cover the cost of his or her medical expenses, that plaintiff should not have to wait 3 years before a judge

hears the case. When two small business owners disagree over a contract, they should not have to wait years for a court to resolve their dispute.

Today's votes are steps in the right direction.

I ask unanimous consent that the article I referenced be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From YumaSun.com, Mar. 17, 2012]

FEDERAL COURTS IN ARIZONA FACE CRUSHING CASELOAD

(By Victoria Pelham)

Federal courts in Arizona are still in ''dire circumstances'' as an emergency declaration that was supposed to help judges keep pace with a crushing caseload is set to expire.

The judicial emergency declared last year in the wake of the shooting death of Chief Judge John Roll runs out Monday, but officials say the U.S. District Court for the state still faces many of the same challenges.

''The reason that existed last year still prevails this year,'' Chief Judge Roslyn Silver said recently. ''We are still in dire circumstances. We are under water.''

The judicial emergency more than doubled the time allowed for the government to bring a case to trial, giving the court some relief from a rising caseload and judicial vacancies in the district.

Through ''lots of hard work'' and the help of visiting judges, the district court has managed to stay within the original 70-day time frame for cases to come to trial under the Speedy Trial Act and has not had to invoke the 180-day limit allowed under the emergency.

But that balancing act could be thrown off, Silver said, without the extra help the court has been receiving.

''If we don't have that, which is the fail-safe, then we're in big trouble, because there's just no way we could handle this caseload,'' Silver said.

Arizona had the highest number of per-judge felony filings in the nation in fiscal 2011, at 554 criminal felony filings for each district court judge, according to the U.S. District Court Judicial Caseload Profile for Arizona. That load was fueled in part by the large number of immigration cases handled in the court, experts said.

The court also saw the total number of cases per judge grow by 22 percent in the fiscal year, from 793 to 969, the fourth-highest judicial caseload in the country, the report said.

It came as three of the 13 district judgeships allotted to the state were vacant. Two were empty last January when Roll was killed in the shooting spree at a Tucson supermarket that killed five others and wounded 13, including former Rep. Gabrielle Giffords.

The judicial emergency was declared by Silver after Roll's death. It was extended last February to this March by the Judicial Council of the Ninth Circuit, in an effort to buy the district some breathing room.

President Barack Obama nominated two candidates in June to fill the vacancies, but only one, Judge Jennifer Guerin Zipps, has been appointed. The other nominee, attorney Rosemary Marquez, has been stalled in the Senate.

Brian Karth, the clerk for the district, said filling those vacancies is the minimum needed. He claimed that, according to judicial standards, the district's caseload is high enough to warrant 10 additional judgeships.

In the meantime, the district has had to rely on visiting judges from other districts across the country, Karth said. One to two judges come each week to assist with court proceedings.

''We continue to struggle to keep within standards, and everybody's basically forced to work harder and try to be resourceful in pulling together resources, sometimes from outside our district, to perform well,'' Karth said.

''There's certainly a wear and tear on anybody who has to sustain that sort of a pace for lengthy periods,'' he said.

Walter Nash, a trial lawyer and partner with Nash & Kirchner in Tucson, said the ''crushing'' caseload in the district is having a serious impact on trials.

''It lessens the quality of justice for all parties involved,'' Nash said.

Prosecutors have less time to prepare arguments, while victims' cases aren't resolved ''as fast as they should be.'' And judges could be rushed into a decision, meaning some guilty defendants may be acquitted, he said.

The need for new judges will be even greater when Speedy Trial Act provisions are reinstated next week after the emergency expires, Nash said.

''You get the best result . . . if everyone has time to handle a case properly,'' Nash said.

Silver agreed that slow trials affect all sectors of the public and courts have an ''obligation to ensure justice for all.'' But with limited resources, space problems in courtrooms, large numbers of criminal cases and other concerns, trials could suffer, with civil trials in particular lagging behind or not getting the attention they deserve.

''So far we're OK, but it will present a problem at some time,'' Silver said. ''We are required to act fairly in every criminal case, but there's only so much we can do.''

The emergency cannot be renewed for six months after it expires. Silver said that if things don't improve, officials will have to consider the possibility of renewing.

''There was a reason for it last year, and I expect there'll be a reason for it this year,'' she said.

Mr. GRASSLEY. Madam President, again, we are moving forward under the regular order and procedures of the Senate. This year, we have been in session for about 32 days, including today. During that time we will have confirmed 12 judges. That is an average of better than 1 confirmation for every 3 days. With the confirmations today, the Senate will have confirmed nearly 74 percent of President Obama's Article III judicial nominations.

Today, we turn to three more judicial nominations. Ronnie Abrams is nominated to be United States District Judge for the Southern District of New York. She graduated with a B.A. from Cornell University in 1990. She received her J.D. from Yale Law School in 1993. Upon law school graduation, she clerked for Honorable Thomas P. Griesa of the United State District Court for the Southern District of New York. From 1994 to 1998 she worked as an associate on civil matters at David Polk and Wardwell. In 1998, Ms. Abrams joined the United States Attorney's Office for the Southern District of New York as an Assistant United States Attorney in the Criminal Division. She handled a variety of criminal cases, inducing ones involving the sexual exploitation of children, bank robbery, immigration, identity theft and money laundering. She also served in the Narcotics, Violent Crime and Public Corruption Units. From 2004 to 2008, Ms. Abrams served in a supervisory role at the United States Attorney's Office, as either Deputy Chief or Chief of the Criminal Division. In 2008, Ms. Abrams returned to David Polk and Wardwell as Special Counsel for Pro Bono and represents those without means to represent themselves.

Rudolph Contreras is nominated to be United States District Judge for the District of Columbia. He is a 1984 graduate from Florida State University and received his J.D. in 1991 from the University of Pennsylvania Law School. After graduating from law school, Mr. Contreras joined the litigation department of the law firm Jones Day. In 1994, he became an Assistant United States Attorney in the District of Delaware and the District of Columbia. In that capacity, he has represented the United States and its departments at both the trial level and appellate levels in civil actions. In 2003, Mr. Contreras became Chief of the Civil Division in the District of Delaware. There, he supervises 40 Assistant United States Attorneys, 6 Special Assistant United States Attorneys, and 31 support staffers.

David Nuffer is nominated to be United States District Judge for the District of Utah. He received his B.S. in 1975 and his J.D. in 1978 from Brigham Young University. He began his legal career as an associate at Allen Thompson & Hughes. From 1982 to 1992, Judge Nuffer practiced both criminal prosecution and criminal defense. From 1995 to 2002, he represented municipalities, individuals and businesses in civil litigation. He also served as a part-time United States Magistrate Judge during this time. In 2003, he was appointed to serve as a full-time magistrate judge. In 2009, he became Chief Magistrate Judge. He has presided over 30 cases that have gone to verdict or judgment. While some may complain about the time it has taken to confirm Judge Nuffer, I would note that the President took over a year and a half—576 days—to submit this nomination, once the vacancy occurred.

Mr. HATCH. Madam President, I am pleased that the Senate today will confirm U.S. Magistrate Judge David Nuffer to the U.S. District Court in Utah. Two of the five judicial positions on that busy court have been vacant for some time, and Judge Nuffer will be a welcome addition.

Judge Nuffer has been involved in virtually all aspects of the legal community in Utah. He was in private practice for more than 20 years and has been an adjunct professor at Brigham Young University's J. Reuben Clark Law School since 2001. He has chaired the Utah Judicial Conduct Commission and served on advisory and study committees, task forces, and councils appointed by the Utah Supreme Court. This diversity of experience and commitment to both the bar and the bench

make him well qualified to join the U.S. District Court.

Judge Nuffer has also worked to promote the rule of law internationally, as a consultant and lecturer with the Ukraine Rule of Law Project. I was pleased last year to meet with a group of judges from Ukraine who were in the United States, both Washington and in Utah, as part of this educational program. Our independent judicial system and commitment to the rule of law is unparalleled anywhere in the world.

I also want to note Judge Nuffer's efforts to promote access to the courts through technology. He has definitely been ahead of the curve on this issue. Back in the 1990s, Judge Nuffer directed the Utah Electronic Law Project and served on the Utah Supreme Court's Ad Hoc Committee on Access to Electronic Court Records. As Chairman of the Senate Republican High-Tech Task Force, I appreciate how such cutting edge efforts can benefit all Americans at low cost.

As I travel throughout Utah talking to lawyers and judges, the unanimous opinion is that Judge Nuffer has the experience, temperament, and integrity to be a great Federal judge. It was no surprise when the American Bar Association unanimously gave him its highest rating. I thank my colleagues for their support of this fine nominee.

Mr. LEAHY. I would note, on this side, at least—I know we have to have a rollcall on this first nominee. I will have no objection if there are voice votes on the next two. That would be up to others. But on the first one I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of David Nuffer, of Utah, to be United States District Judge for the District of Utah.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nevada (Mr. HELLER) and the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 2, as follows:

[Rollcall Vote No. 57 Ex.]

YEAS—96

Akaka	Cantwell	Enzi
Alexander	Cardin	Feinstein
Ayotte	Carper	Franken
Barrasso	Casey	Gillibrand
Baucus	Chambliss	Graham
Begich	Coats	Grassley
Bennet	Coburn	Hagan
Bingaman	Cochran	Harkin
Blumenthal	Collins	Hatch
Blunt	Conrad	Hoeven
Boozman	Coons	Hutchison
Boxer	Corker	Inhofe
Brown (MA)	Cornyn	Inouye
Brown (OH)	Crapo	Isakson
Burr	Durbin	Johanns
Johnson (SD)	Merkley	Schumer
Johnson (WI)	Mikulski	Sessions
Kerry	Moran	Shaheen
Klobuchar	Murkowski	Shelby
Kohl	Murray	Snowe
Kyl	Nelson (NE)	Stabenow
Landrieu	Nelson (FL)	Tester
Lautenberg	Paul	Thune
Leahy	Portman	Toomey
Levin	Pryor	Udall (CO)
Lieberman	Reed	Udall (NM)
Lugar	Reid	Vitter
Manchin	Risch	Warner
McCain	Roberts	Webb
McCaskill	Rockefeller	Whitehouse
McConnell	Rubio	Wicker
Menendez	Sanders	Wyden

NAYS—2

DeMint	Lee

NOT VOTING—2

Heller	Kirk

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, there will be now be 2 minutes of debate equally divided prior to a vote in relation to the Abrams nomination.

Who yields time?

The majority leader.

Mr. REID. Madam President, we expect this to be the last vote. I am told that we have worked something out so the next judge we can do by voice. This will be the last vote of the week.

Mrs. GILLIBRAND. Madam President, I am honored to offer my strong support for the nomination of Ronnie Abrams to the United States District Court for the Southern District of New York. I also want to thank President Obama for acting on my recommendation and nominating another superbly qualified woman jurist to the Federal bench.

I have had the privilege of knowing Ms. Abrams for many years. I know her as a fairminded woman of great integrity. Throughout her distinguished legal career, she has proven herself as an exceptional attorney. As Deputy Chief of the Criminal Division for the United States Attorney's Office of the Southern District of New York, she supervised hundreds of prosecutions, including violent crime, organized crime, white-collar crime, public corruption, drug trafficking, and crimes against children.

Her record shows her commitment to justice. I can tell you she has a deep and sincere commitment to public service. There is no question that Ms. Abrams is extremely well qualified and well suited to be a Federal judge.

I strongly believe our Nation needs more women such as her serving on the Federal judiciary, an institution that I believe needs more exceptional women. I believe it is incredibly important that we do reach the point of balance in the judiciary. I recommend her most highly.

The PRESIDING OFFICER (Mr. SANDERS). Who yields time in opposition?

Mr. GRASSLEY. Mr. President, I yield back our time.

The PRESIDING OFFICER. All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Ronnie Abrams, of New York, to be United States District Judge for the Southern District of New York?

Mr. KYL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nevada (Mr. HELLER) and the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 2, as follows:

[Rollcall Vote No. 58 Ex.]

YEAS—96

Akaka	Franken	Moran
Alexander	Gillibrand	Murkowski
Ayotte	Graham	Murray
Barrasso	Grassley	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Paul
Bennet	Hatch	Portman
Bingaman	Hoeven	Pryor
Blumenthal	Hutchison	Reed
Blunt	Inhofe	Reid
Boozman	Inouye	Risch
Boxer	Isakson	Roberts
Brown (MA)	Johanns	Rockefeller
Brown (OH)	Johnson (SD)	Rubio
Burr	Johnson (WI)	Sanders
Cantwell	Kerry	Schumer
Cardin	Klobuchar	Sessions
Carper	Kohl	Shaheen
Casey	Kyl	Shelby
Chambliss	Landrieu	Snowe
Coats	Lautenberg	Stabenow
Coburn	Leahy	Tester
Cochran	Levin	Thune
Collins	Lieberman	Toomey
Conrad	Lugar	Udall (CO)
Coons	Manchin	Udall (NM)
Corker	McCain	Vitter
Cornyn	McCaskill	Warner
Crapo	McConnell	Webb
Durbin	Menendez	Whitehouse
Enzi	Merkley	Wicker
Feinstein	Mikulski	Wyden

NAYS—2

DeMint	Lee

NOT VOTING—2

Heller	Kirk

The nomination was confirmed.

The PRESIDING OFFICER. The question is on agreeing to the nomination of Rudolph Contreras, of Virginia, to be United States District Judge for the District of Columbia.

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

REPEAL BIG OIL TAX SUBSIDIES ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 337, S. 2204.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 2204) to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill 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 the debate on the Reid motion to proceed to Calendar No. 337, S. 2204, a bill to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.

Harry Reid, Robert Menendez, Richard J. Durbin, Patrick J. Leahy, Patty Murray, Carl Levin, Charles E. Schumer, Bernard Sanders, Amy Klobuchar, Al Franken, Benjamin L. Cardin, Sheldon Whitehouse, Sherrod Brown, Mark Udall, Daniel K. Akaka, Debbie Stabenow, John F. Kerry.

Mr. REID. Mr. President, I withdraw my motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

21ST CENTURY POSTAL SERVICE ACT OF 2011—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to calendar No. 296, S. 1789.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1789) to improve, sustain, and transform the United States Postal Service.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill 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 the debate on the motion to proceed to Calendar No. 296, S. 1789, the 21st Century Postal Service Act.

Harry Reid, Thomas R. Carper, Sherrod Brown, Mark Begich, Bill Nelson, Frank R. Lautenberg, Jeanne Shaheen, Richard Blumenthal, Christopher A. Coons, Dianne Feinstein, Patrick J. Leahy, Richard J. Durbin, Joseph I. Lieberman, Patty Murray, Charles E. Schumer, Mark L. Pryor.

Mr. REID. Mr. President, this is an extremely important bill, the postal reform legislation, that we have been waiting to get to for a long time.

I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate go into 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.

The Senator from Illinois.

NFL DISCLOSURE

Mr. DURBIN. Mr. President, I rise to speak about a disturbing disclosure made recently by the National Football League. Their investigation revealed that the New Orleans Saints had allegedly been operating an illegal ''bounty'' program.

Under this bounty program, players were reportedly given significant sums of money in direct exchange for intentionally injuring opposing players, disabling them, and for having them carried off the field in an ambulance.

According to reports, compensation started at $1,000 for causing an opponent to be ''carried off'' the field. This was called a ''cart-off.'' The price was $1,500 for causing an opponent to be unable to continue the game. This was known as a ''knockout.'' These ''bounties'' reportedly reached high sums of money, as large as $10,000 and even $50,000.

What is even more troubling is that reports suggest that these bounty systems might have reached far beyond the New Orleans Saints. Reports surfacing as a result of the NFL's investigation have indicated that other teams may have also been engaged in this practice.

One former professional football player recently tweeted:

Why is this a big deal now? Bounties have been going on forever.

Another stated:

Prices were set on Saturday nights in the team hotel. . . . We laid our bounties on opposing players. We targeted big names, our sights set on taking them out of the game.

Let me tell you why this is important and reprehensible. A spirit of aggressiveness and competitiveness is an integral part of many sporting contests, but bribing players to intentionally hurt their opponents cannot be tolerated. We have to put an end to this.

Just yesterday, to its credit, the NFL announced historically stiff penalties for those involved in the New Orleans Saints bounty program. The team's head coach, general manager, former defensive coordinator, and assistant head coach were suspended for long periods of time. The team will forfeit selections in upcoming drafts and the team was fined.

I commend the National Football League for taking swift and decisive action to discipline those involved in the Saints' bounty program, but we need to make sure this never happens again on any team, in any team sport. For that reason, I will be convening a hearing of the Senate Judiciary Committee. I spoke to Senator PAT LEAHY about this this morning, and he has given me his permission as chairman to move forward. We will have a hearing and put on the record what sports leagues and teams at the professional and collegiate levels are doing to make sure there is no place in athletics for these pay-to-maim bounties. I want to hear the policies and practices in each of the major sports and collegiate sports that are being put in place, and I want to explore whether Federal legislation is required.

Currently, bribery in a sporting contest is a Federal crime. It is illegal to carry out a scheme in interstate commerce to influence a sporting contest through bribery. This goes back to a law enacted almost 50 years ago by Senator Kenneth Keating of New York. Here is what he said at the time about bribery that would influence the outcome of a sporting contest:

We must do everything we can to keep sports clean so that the fans, and especially young people, can continue to have complete confidence in the honesty of the players and the contest. Scandals in the sporting world are big news, and can have a devastating and shocking effect on the outlook of our youth, to whom sports figures are heroes and idols.

As the Department of Justice stated at that time, when the Federal law making it a crime to engage in bribery to influence the outcome of a sporting contest was enacted, Federal legislation was necessary to deal with the inadequacies and jurisdictional limitations of State law.

Mr. President, most of us are sports fans. I would have to list my favorite sports as football, with baseball a close second. I know football is a contact sport. I still have a bum knee to show from my football experience in high school. Accidents will happen and injuries will happen. That is a part of the game. I knew it when I put on my uniform and went out on the field. But I never dreamed there would be some conspiracy, some bribery involved and some other player trying to intentionally hurt me or take me out of the game. That goes way beyond sports.

I am heartened by the fact that many of the leaders in sports are now sensitized to the injuries that are being caused to players, particularly in the football arena. We know concussions can be devastating and ultimately take the life of a player. The National Football League and others are more and more sensitive to this phenomena. I commend them for this. But this disclosure involving the New Orleans Saints goes to an outrageous level that none of us ever anticipated.

I think it is time, whether we are talking about hockey, football, baseball, basketball, or any collegiate team contest, that we have clear rules to make certain that what happened with the New Orleans Saints never, ever happens again.

This hearing will invite representatives and witnesses from the major

sporting leagues and the NCAA. So they will have time to prepare, we will call the hearing after the Easter break, but I hope to have it in a timely fashion.

I want fans all across America and I want players all across America to know that what happened in New Orleans that led to this action by the NFL is not going to be repeated.

Mr. President, 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.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAP 21

Mrs. BOXER. Mr. President, you know very well, because you are such a leader on the issue of jobs for America, that the Senate passed a very important bill last week. It is called MAP 21, Moving Ahead for Progress in the 21st Century. What it did was reauthorize our transportation programs as they relate to highways, our bridges, and our transit systems.

This was a very difficult bill to get done because it took a lot of compromise. My friend in the chair knows this. He comes from Vermont where they have had a lot of issues with rebuilding their roads after disasters, and he knows how important it is, especially in those rural areas, to make sure we have a good transportation system both in our roads, our freeways, and our mass transit.

We got this bill done. It was remarkable, 74 votes. Actually, it would have been 75 votes. One of our colleagues was at a funeral and he was for the bill. So three-quarters of the Senate supported that bill. We excitedly found out some House Members were very happy with it and they have introduced it and that bill, MAP 21, is sitting over in the House. There is a lot at stake, and they are not moving this bill.

They could take that bill off the desk and they could pass it in 15 minutes. I served in the House. I know the rules. It is not like the Senate, where we can filibuster and do amendments and all the rest. It is a very quick process. They have not done that. Instead, they are talking about putting together a bill just with the Republican Party and not including Democrats in that at all. So they would have a very partisan bill, and they are not interested in going to the Democrats. They want to turn that bill into some offshore oil drilling, drilling in the Arctic, drilling in the lakes, drilling, drilling, drilling, when it has nothing to do with the bill and would only add contentious, nongermane issues to what is a very clear statement by the Senate, in a bipartisan way, that in order to be a great nation and in order to have a strong economy, we need to move goods, we need to move people.

This idea of a national transportation system came to us from a Republican President named Dwight Eisenhower. He was a war hero and a general. He knew logistics, and he knew that if someone is in a war zone and they have to move their artillery, they have to move their equipment and all the rest, they need to have a logistics plan. When he became President, he knew: We are moving products from one State to the next. It is commerce. We had better get it right. And he started the highway system.

Since that time, we have had bipartisan support for transportation legislation. Whether it was Bill Clinton or whether it was George Bush or George Bush's father or it was Jimmy Carter or it was Ronald Reagan or it was Richard Nixon, we have had bipartisan support.

The American people must be really happy to hear that we were able to carry out that bipartisan spirit. Senator INHOFE and I, working in our committee; Senator HUTCHISON and Senator ROCKEFELLER, working in their committee—these are Republicans and Democrats working together—Republicans and Democrats in Finance, Republicans and Democrats in four committees worked on this bill and voted it out.

We asked the House to take up the bill and pass it. So far we have heard nothing at all to lead us to the belief that that is what they are going to do. This entire program expires at the end of next week. If they just send us an extension without funding, if they send us an extension without change in law, it is going to wreak havoc in our States. We already have letters from the States saying that they are very fearful because this is the construction season. You cannot enter into an agreement if you only have a short-term agreement to keep the highway program operating for 30 days or 90 days or 60 days. We call on them to pass this bill.

I did a press conference today with Democrats, Leader PELOSI and STENY HOYER and friends over there who work on transportation issues—NICK RAHALL, the ranking member of the committee, and Mr. BISHOP, who has introduced the Senate bill, and Mr. DEFAZIO from Oregon. We had one message, and the message was this: Speaker BOEHNER, do what every great Speaker has done before you—reach out to the other party, come to the table and get 218 votes and pass this. So far we do not hear anything like that. I am very worried and I am concerned. Why?

Mr. President, 1.4 million construction workers are unemployed. That would fill 14 football stadiums. Fourteen Super Bowl stadiums filled with unemployed workers—that is what we have in construction because we have had such a downturn in housing. We ask Speaker BOEHNER respectfully, take up the bill. Put these people to work. Our bill will save 1.9 million construction jobs, and it will create up to 1 million more. We can take this 1.4 million, hire 1 million workers, and you would bring down that unemployment rate—way, way down. It is 17.1 percent.

How about our businesses? Our businesses need help. Mr. President, 1,075 organizations—the vast majority of them are businesses—have begged us to do this bill. We say to Speaker BOEHNER respectfully, listen to more than 1,000 organizations. Pass the bill.

I am going to read an amazing array of editorials. I will not read them in whole, I will read them in part. The idea is that maybe Speaker BOEHNER isn't listening, maybe he is not paying attention, but the country is.

Here is an editorial—not from a blue State but from a bright red State called Oklahoma, the Tulsa World:

> Bipartisanship in the Senate Moves Transportation Bill.

This is what they said:

> With rare bipartisanship, the U.S. Senate on Wednesday passed a much-needed and much-delayed national transportation bill that could create jobs and fund road projects. . . .

They finish by saying:

> House Speaker John Boehner has called for the House to either take action on its bill or close it. That could clear the House to consider the Senate bill.

The country's infrastructure has been ignored for too long, and it is in dire straits. This is an important and necessary extension of the Transportation bill. It will make needed improvements to our transportation infrastructure and, just as important, it is a real job-creator.

This is an editorial from Oklahoma—far from a blue State. They want us to finish our work, and they are calling on Speaker BOEHNER to do it.

Here is another red State, the Fort Worth Star-Telegram:

> What an exciting thing to see the U.S. Senate pass a surface transportation funding bill last week on a 74–22 vote. Such bipartisan support for maintaining and improving this crucial part of the national infrastructure makes it almost seem like the good old days in Washington. . . .
>
> At one point, [House Speaker John Boehner] said he would put the Senate bill before the House. . . .

Now he says:

> It's beginning to look like Boehner doesn't have a clue what the House will do. . . .

If the Star-Telegram is right and BOEHNER doesn't have a clue as to what to do, I would like to respectfully ask him to take up the Senate bill and pass it.

We just passed a bill they sent us with 73 votes. Our bill passed with 74. We did it. They should do it. In their bill that we passed, there is not one estimate of how many jobs will be created by it—not one. We are hoping there will be. It is the IPO bill. This one is 3 million jobs, unequivocal. They name a bill the ''JOBS bill,'' they send

it over here, and it gets 73 votes. We are going to pass it. We took it up. Now they should pass the bill we passed. They call it the ''congressional follies'' if he doesn't act.

This is from the Oregon Register Guard. It is entitled ''A Solid Transportation Bill.''

By an impressively bipartisan 74–22 vote, the U.S. Senate on Wednesday passed a two-year blueprint for transportation. The House should pass this massive bill swiftly after setting aside an outrageous Republican version that would link highway, bridge and other transit spending to an expansion of oil drilling from the Arctic National Wildlife Refuge. . . .

It praises our bill and points out that our bill is supported by labor and business, and it will create 3 million jobs.

I am going to read a few more of these. I hope somebody in Speaker BOEHNER's office is watching, I really do, because we are showing what is happening in the country. Everybody is calling on Speaker BOEHNER to pass the bill.

This is the Sacramento Bee. Who could say it better? ''Stop dithering, pass transportation bill.''

The Senate's two-year bill, while not ideal, would provide states stability through the end of 2013. It also would give lawmakers a year to work on long-term funding. . . .

Some House Republicans are saying they won't act on a multiyear bill until . . . after the Easter break.

That is unacceptable, that is what I think.

They quote something I said, and I am going to repeat it because I think it is important.

This was a bill that brought us together, and Lord knows, it's hard to find moments when we can come together.

Isn't that true, Mr. President? It is hard to find times when we come together, when we came together, three-quarters of the Senate.

Speaker BOEHNER, what more do you want? You had 22 Republicans vote aye. Take up our bill and pass it.

Here is another one: ''Highway bill would boost stability.'' How important is that as we climb out of this recession?

A two-year, $109 billion highway bill that passed the Senate this week buoys the hope of interest groups like roadbuilders and the travel industry that the House can be prodded by the senators' action to pass its own bill before a March 31 expiration. . . .

The bill has no earmarks.

This is from Mississippi, another red State.

Mississippi could derive major benefits from a part of the bill called the RESTORE Act amendment, supported by Wicker and Cochran. It would establish a restoration fund for Mississippi, Alabama, Louisiana and Texas—

Et cetera—the gulf coast—to restore the damage caused in the calamitous oilspill.

Here we have newspaper after newspaper.

I will be finished in about 6 minutes.

Here is another Chicago Sun-Times editorial: ''For a Better Commute, Pass Transportation Bill.''

How about this:

The U.S. Senate just delivered a gift to the House: a bipartisan transportation bill at a time when America really could use a lift. Here's hoping the House Republicans don't mess it up. . . .

News for them: Right now, they are messing it up. All they have to do is take our bill from the desk and pass it, and, guess what, that would mean 3 million jobs; thousands of businesses relieved that they know they can enter into contracts to build our roads and fix our bridges. There are 70,000 bridges in a state of disrepair, deficient, meaning they could have serious consequences. We saw bridges collapse. That is not a game. And infrastructure is aging.

I love this editorial. Essentially, it says:

A spokesman for Speaker John Boehner tells us that ''the hope is that the House can coalesce around a more responsible, long-term extension'' of the transportation bill.

That is a hope. That is a prayer. They tried it for more than a year. Guess what. They got nowhere. They will not talk to the Democrats over there.

I served in the House for 10 years. It was a wonderful experience. Tip O'Neill was a great Speaker. They have had a lot of great ones over there, but Tip O'Neill knew that the way to get things done was to get to 218. He didn't care if the people voting were Democrats or Republicans; if he saw a need, he got to 218. He would go to his friend Bob Michel on the other side, like I went to JIM INHOFE, and they worked together the way we did.

Speaker BOEHNER, reach your hand out to Leader PELOSI. She is ready to go. She will work with you.

Here is one from Ohio. This is the State of Speaker BOEHNER, from the Akron Beacon, an editorial: ''Road to Compromise.''

On Wednesday, 74 Senators, Republicans and Democrats, joined together in a real accomplishment. They approved a two-year, $109 billion transportation bill. . . . The timing couldn't have been better. Authorization for federal highway spending ends on March 31. Without action, construction, repair and maintenance will halt across the country.

What will the House do? It should take the cue of the Senate, and quickly approve the legislation that won bipartisan support. . . .

This is Speaker BOEHNER. You know, in Speaker BOEHNER's State, at a minimum, 55,000 jobs are at stake—at a minimum. That is without our new program that leverages funds. That could be doubled, but right now there are 55,000 jobs we protect and we could create about another 40,000. In Leader CANTOR's State, it is 40,000 jobs and we could create another 30,000. I don't know what they are thinking about over there. I honestly don't know. What are they thinking about?

Here is one. This is from Florida, an editorial: ''Pass This Transit Bill.''

How could you get it clearer?

In an all too rare display of bipartisanship, the Senate by a vote of 74 to 22 last week passed a transportation bill of vital interest to South Florida and the rest of the country.

Unfortunately, House members apparently haven't gotten the word. The Senate bill extends funding for federal highway, mass transit and other surface transportation projects for two years. That would save or create three million jobs. . . .

Speaker John Boehner appears to have recognized that this version favored by some GOP hard-liners in his caucus doesn't stand a chance of becoming law, but there's no immediate plan to go forward with a reasonable compromise.

This uncompromising approach is why public approval of Congress stands at 10 percent or below in recent polls. Mr. Boehner should urge the members of his caucus to set aside their job-killing intransigence and accept the bipartisan Senate version. . . .

Let me repeat that.

This uncompromising approach is why public approval of Congress stands at 10 percent or below in recent polls. Mr. Boehner should urge the members of his caucus to set aside their job-killing intransigence and accept the bipartisan Senate version before funding runs out.

Let's hold this here. I am going to conclude here because I know Senator FRANKEN has been waiting and I so respect his right to speak. But I did want to point out that this particular editorial comes from the newspaper that is home to the chairman of the committee over there, JOHN MICA, the chairman of the T and I Committee, Transportation Infrastructure, and this is what they say:

Congress is gridlocked again—surprise!—this time over Federal transportation funding.

Last week a bipartisan majority in the Senate passed a $109 billion measure that would maintain Federal funding for highway and mass transit projects for two years. But a five-year bill . . . drafted by . . . John Mica, has stalled amid opposition from Democrats and some Republicans.

Rather than let transportation projects grind to a halt, lawmakers should pass the Senate bill as the only bipartisan vehicle available. Then, they should get started on fixing the problems . . . [in the long run]—before the next bill becomes due.

Let's put up the last one. This is from the Tampa Bay Times. This is a part of Florida that is pretty red, so I will close with this one.

House Should Fix Partisan Potholes and Pass Transit Bill.

With new signs every week that the recovery is taking hold, Congress should be relishing the chance to pass a transportation bill. But House Republicans are more keen to continue waging ideological wars in the run-up to elections than to bring some much-needed relief to America's commuters and to workers hard hit in the construction industry. The House should follow the Senate's lead and pass a transportation bill without further delay. . . .

So everybody seems to be getting the message, but I am not so sure Speaker BOEHNER or Leader CANTOR are listening, and they have to listen. Because if they don't listen and as a result of their inability to pass this bill—or not want to pass it—what will happen is there will be another jolt to this economic recovery. Because we are talking 3 million jobs at stake. Thousands of companies are hurting, and I am hearing from States all over this great

Nation that they are in chaos because they don't know what the House is going to do.

So we took up a House bill, we didn't play partisan games, we passed it in a couple days, and it got 73 votes. Our jobs bill for highways and transit and roads and bridges got 74 votes. I say they wanted us to do this, we did it. How about they take a look at this bill. How about they save 3 million jobs. How about they do the people's work before they go off on their break. They owe it to the American people. BOEHNER, CANTOR, MICA, all of them owe it to the American people. They said it is a priority, and they do nothing. They are dithering, as the papers have expressed. Today, they can stop dithering. Tomorrow, they can get our bill ready for a vote. Next week, they could pass it, we can go home, and we can all celebrate with our businesses and our construction workers and know we have done something great for the American people.

Thank you very much. I yield the floor.

Mr. FRANKEN. Madam President, I would like to associate myself with the words of the Senator from California for the tremendous work she did on the Transportation bill, which is a bipartisan bill that passed overwhelmingly in the Senate.

HEALTH CARE

Mr. FRANKEN. Madam President, I would like to join many of my colleagues who are each talking a little bit about the affordable care act, which celebrates its second anniversary of being signed into law by the President tomorrow. Even though the law will not be fully implemented until 2014, millions of Americans and Minnesotans are already enjoying the benefits from important provisions in the law.

For example, no child in Minnesota, no child in New Hampshire, and no child in America can now be denied health insurance coverage because he or she has a preexisting condition. Parents across Minnesota and around the country can sleep a little bit easier knowing that if their child gets sick, they will still be able to get the health care coverage they need. That is a big deal.

Speaking of parents, young adults can now stay on their parents' health insurance until they are 26. Thanks to the affordable care act, 32,189 young adults in Minnesota are now insured on their parents' policy. Because of this law health insurance companies can no longer impose lifetime limits on health care benefits.

Just a few weeks ago, I heard from a Minnesotan in his thirties who has hemophilia. He had already hit his lifetime cap three times, but because of the health care reform law he still has insurance. No American can ever again have their health insurance taken away from them because they have reached some arbitrary lifetime limit, and I am proud of that.

Let's talk about seniors. I go to a lot of senior centers around my State. I know the Presiding Officer goes to senior citizen centers around New Hampshire. Because of the health care law more than 57,000 seniors in Minnesota receive a 50-percent discount on their covered brand-name prescription drugs when they hit the doughnut hole, at an average savings of $590 per senior. By 2020, the law will close the doughnut hole entirely. You know who likes that—seniors. You know what else seniors like—the fact that in 2011, 424,000 Minnesotans with Medicare received preventive services without copays, such as colonoscopies and mammograms and free annual wellness visits with their doctors. I could go on and on with what we have already gained, but I wish to talk a little bit about a provision I wrote with the catchy name ''medical loss ratio,'' which is sometimes called the 80/20 rule because of my medical loss ratio provision which I based on a Minnesota law.

Health insurance companies must spend 80 to 85 percent of their premiums on actual health care. This is 85 percent for large group policies, 80 percent for small group and individual policies on actual health care, not on administrative costs, marketing, advertisements, CEO salaries, profits but on actual health care. We have already heard the medical loss ratio provision is working. The plan is already lowering premiums in order for companies to comply with the law. For example, Aetna in Connecticut lowered their premiums on an average of 10 percent because of this provision in the law.

Another key provision in the law is the value index. The value index rewards doctors for the quality of the care they deliver, not the quantity—for the value of the care, not the volume.

My home State, Minnesota, is a leader—if not the leader—in delivering high-value care at a relatively low cost. Traditionally, in Minnesota, our health care providers have been well underreimbursed for it. For example, Texas gets reimbursed 50 percent more per Medicare patient than Minnesota does. This isn't about pitting Minnesota against Texas or Florida, it is about rewarding those low-valued States to become more like Minnesota.

Imagine if we brought down Medicare expenditures by 30 percent around the country while increasing its effectiveness. It will bring enormous benefits not just to Minnesota but across the country because it will bring down the cost of health care delivery nationwide, and that is what we need to be addressing, the cost of health care delivery, because we all know bringing down the health care costs is key to getting our long-term deficits in order. In fact, there is probably nothing more important that we can do. That is where the value index is so important.

I have gone over a number of the benefits from health care reform that have already kicked in, but I obviously didn't mention them all. According to the Wall Street Journal, health care reform has already added jobs to our economy. I barely touched on the great stuff that kicks in, in 2014, such as the exchanges which will allow individuals and small businesses to pool with others to get more affordable health insurance that is the right fit for them. Of course, while presently no child can be denied health insurance for preexisting conditions, starting in 2014 no American will be denied health insurance or penalized for having a preexisting condition.

The Congressional Budget Office, a nonpartisan agency of Congress, has crunched the numbers and reported that the affordable care act will insure 31 million additional Americans and bring down our national deficit by billions of dollars in its first 10 years and by approximately $1 trillion in its second 10 years.

I ask the American people not to fall victim to disinformation. There are no death panels. The affordable care act cuts the deficit. Under this law, businesses under 50 employees don't have to provide insurance for their employees and will not suffer penalties if they don't. They will not have to pay fines and they will not be dragged into prison. There is so much junk out there that is just plain false, and it is doing everyone in this country a giant disservice.

My colleagues and I disagree on many things. Can we all at least agree to talk about this law in a factual manner? The benefits of this law are tremendous and Americans across the country are already experiencing it. I urge all my colleagues to acknowledge these benefits and to support the continued implementation of the Patient Protection and Affordable Care Act.

(The remarks of Mr. FRANKEN pertaining to the introduction of S. 2225 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. FRANKEN. I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNS. I ask unanimous consent to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHANNS. Madam President, the anniversary of any new law should be a time to celebrate accomplishments and new landmarks. But the almost constant flow of bad news, unfavorable reports, and broken promises makes the second anniversary of the health care law anything but a celebration. Rather, it is something that even the White House seems embarrassed to mention.

The truth is the policy behind the bill was flawed. The truth is that the law is fundamentally flawed. It raises taxes and health care costs for working Americans. It puts bureaucrats between patients and their doctors. It tangles our Nation's job creators in regulations and redtape, and it defies

our country's most sacred document—the Constitution of the United States.

Next week, the U.S. Supreme Court begins hearings to determine whether the health care law violates the Constitution. It is one of the most important cases reviewed in recent history. The Court has set aside a remarkable 6 hours for oral arguments—more time than has been devoted to a case in over four decades. Its ruling will have a far-reaching impact on our health care system, but it doesn't stop there. It will have a far-reaching impact on our economy, and fundamentally on the expanse of congressional authority over the individual citizen.

I hope the Supreme Court will resolve the countless problems in this law for good by striking it down in its entirety.

The facts tell us that with the passage of time, things have not gotten better with this law; they have, in fact, gotten worse. Take last week's report from the nonpartisan Congressional Budget Office as one example. We learned something about the cost of this bill. Before the bill was passed, many of us were saying this bill was filled with budget gimmicks to make it look cheaper to the American people than it was. Well, we learned that the cost of the law's coverage provisions alone is projected to balloon to $1.7 trillion.

The problem is that CBO only does 10-year projections, so the major provisions of this law were delayed until 2014. Why? Well, the reason for that is it was done to mask the true costs of this bill when it was fully implemented. When we eliminate gimmicks such as this and consider the law's first 10 years of full implementation, I fully expect the total cost of this legislation will not be the $900 billion promised by President Obama, it will be $2.6 trillion. This law certainly doesn't bend the cost curve down.

CBO concludes that families buying insurance on their own will pay an astounding $2,100 more a year for that insurance. Yet then-Candidate Obama promised that Americans would see their premiums decrease by $2,500 by the end of his first term.

The recent CBO report also noted that the Federal Government will spend $168 billion more on Medicaid compared to last year's estimate.

The truth keeps coming out. That means more people will be trapped in a broken program where waiting lines will, in fact, be longer, emergency room visits will be more frequent, because that is the only place they can find care, health care outcomes will get worse, and 40 percent of physicians today won't even see patients in this program.

This law does not deliver better quality health care either. Imposing Medicaid on more people is like giving someone a ticket to ride a bus that has broken down hundreds of miles away but claiming they have a ticket so, in fact, they have the opportunity for transportation. Not only that, the law puts all the pressure and burden on our States to implement the Medicaid Program's largest expansion since 1965, placing $118 billion in unfunded mandates on States, when our States are struggling to figure out how they balance their budgets today. As a former Governor who has balanced budgets, I believe this expansion dumped on our States to manage is a critical and fatal flaw of this legislation.

CBO also recently projected that up to 20 million more working Americans could lose their employer-sponsored health care coverage because of this health care law. That is an incredible shift, especially when we consider that our President promised no fewer than 47 different times: ''If you like your plan, you can keep it.''

In addition to a potential 20 million employees losing their current coverage, 7 million seniors are likely to lose their Medicare Advantage plans. According to the Congressional Budget Office Director, more than 3,200 Nebraskans enrolled in Medicare Advantage will, in fact, have their benefits cut in half. Families in 17 States, including Nebraska, no longer have access to child-only health insurance because of mandates in the law.

Wait a second. I just said in 17 States they no longer have access to a child-only health insurance policy because of this law's effect. That is incredible.

Our Nebraska insurance commissioner called this collapse of the child-only market ''an example of the unintended consequences of this imperfect law.''

Here we see the President's promise, again, flipped on its head: This law forces you to say goodbye to the coverage you like for children.

Over the past 2 years, I have traveled across the great State of Nebraska hosting townhalls, roundtables, and meetings, and I am finding that the more folks know about this law, the more they detest it. Religious schools and hospitals and charities are troubled because the law will force them to violate their deeply held beliefs. Seniors are concerned that the law will limit access to care because it siphons $500 billion from Medicare and uses it as a piggy bank to spend on other government programs.

The administration's own Medicare Actuary has projected ''the prices paid by Medicare for health services are very likely to fall increasingly short of the costs of providing these services.'' The CMS Actuary continued that these Medicare cuts could result in ''severe problems with beneficiary access to care.''

Let me translate that. That means this law will make it more difficult for senior citizens to get health care because the Federal Government is not paying its way. Others wonder what the 159 new boards established by this law will mean for access to health care, and hard-working Nebraskans question how the law's $½ trillion in taxes will affect their families. Approximately 428,000 Nebraskan households making less than $200,000 will pay higher taxes—approximately 428,000. That is based on estimates by the Joint Committee on Taxation.

Small businesses across Nebraska have shared with me that they are holding off on hiring because of the mandates in this legislation. At a roundtable last week, business men and women expressed their concerns about the law's tax on health insurance companies in the fully insured market, and with good reason. The health insurance tax alone could impose $87 billion in costs on businesses and their employees over the law's first 10 years alone.

An analysis by the National Federation of Independent Business indicates this law will force the private sector—will force the private sector—to cut between 124,000 and 249,000 jobs between now and 2021. That is not just a statistic, those are families who will lose a job because of this health care bill.

It is remarkable that in the midst of our economic situation, the President's signature legislation actually reduces jobs. These are some of the many reasons Nebraskans are demanding louder than ever that this law be repealed.

Now, some of the law's supporters have taken up the mantra: Well, don't repeal it, repair it. That is a nice slogan. This law, though, is so fatally flawed no bandaid is ever going to fix it.

I experienced firsthand how difficult it is to change this law when I worked to repeal the 1099 reporting requirement, which nearly everybody agreed was idiotic. It would have increased paperwork burdens on our Nation's job creators by up to 2,000 percent.

The administration even agreed this pay-for in their law needed to go, and, in the end, 87 Senators supported full repeal of the provision. But it took 9 months and 7 votes before my efforts to repeal a provision that everybody agreed was idiotic was finally successful. So anyone who tells you we can tinker with the law to fix it might as well offer you ocean-front property in the State of Nebraska.

The 2,700-page law is one of the largest pieces of legislation ever passed in this Nation's history. Its provisions are interconnected, ill-fated, and far-reaching, and they will affect every single American economically, socially, and physically. We cannot sit idly by and allow for the negative consequences to continue unraveling, and they will.

As I said, I hope the Supreme Court strikes down this entire law. But if it does not, we will continue our fight to repeal it, as Nebraskans demand that I do. We must protect the rights of Americans to choose their doctors, to select their insurance, to trust their care, and to protect their conscience rights. We must ensure employers see reforms that reduce regulations and redtape and instead increase efficiencies and address the underlying costs. We must give States the flexibility to run their Medicaid Program in

the best way that serves the needs of those vulnerable populations in that State.

This law is misguided. It stifles job growth and does not improve health care for millions of Americans, and it should be wiped off the books. Americans are demanding it, Nebraskans are demanding it, and they deserve that.

Mr. LEAHY. Mr. President, 2 years ago this week, President Obama signed into law the affordable care act. This landmark act will extend health insurance coverage to 30 million uninsured Americans in the next few years. Reform based on good-quality and affordable health insurance, talked about for decades, is finally becoming a reality. Over 15 months, Congress debated and then passed the most sweeping and comprehensive reforms to improve the everyday lives of every American since Congress passed Medicare in 1965. It was an arduous process, but in the end this achievement proved that change is possible and that the voices of so many Americans who over the years have called on their leaders to act have finally been heard.

Americans are already beginning to see some of the benefits of insurance reform. Seniors on Medicare who have high-cost prescriptions are starting to receive help when trapped within a coverage gap known as the ''doughnut hole.'' The affordable care act completely closes the coverage gap by 2020, and the new law makes it easier for seniors to afford prescription drugs in the meantime. In 2010, more than 7000 Vermonters received a $250 rebate to help cover the cost of their prescription drugs when they hit the doughnut hole. Last year, nearly 6800 Vermonters with Medicare received a 50-percent discount on their covered brand-name prescriptions, resulting in an average savings of $714 per person. Since the affordable care act was signed into law, more than 4000 young adults in Vermont have gained health insurance coverage under these reforms, which allow young adults to stay on their parents' plans until their 26th birthdays. The improvements we are seeing in Vermont go on and on: 81,649 Vermonters on Medicare and more than 100,000 Vermonters with private insurance gained access to and received preventative screening coverage with no deductible or copay. These are just a few of the dozens of consumer protections included in the law that are benefiting Vermonters and all Americans every day.

Now that the law is in effect, many of the essential antidiscrimination and consumer protections of the affordable care act are being implemented, allowing consumers to take control of their own health care decisions. Known as the Patients' Bill of Rights, these rules protect consumers against the worst health insurance industry abuses that have prevented millions of people from receiving the health care they need. Going forward, insurance plans can no longer deny children coverage because of a preexisting health condition; insurance plans are barred from dropping beneficiaries from coverage simply because of an illness; dozens of preventive care services must be covered at no cost and with no copay; and Americans will have access to an easier appeals process for private medical claims that are denied.

Yet another major reform now protects hard-working Americans from one of the most egregious insurance industry practices: setting lifetime or annual limits on health insurance coverage. Before this change in the law, wherever I traveled in Vermont, I was often stopped in the grocery store, at church, on the street, or at the gas station by Vermonters who shared their personal, wrenching stories about how they could no longer get medical treatment because they had met their annual or lifetime maximum. Many of these Vermonters were perfectly healthy before being diagnosed with cancer or diseases that can cost well beyond their means for treatment. Instead of being able to focus on getting healthy, patients instead had to worry about whether their next doctor's visit will push them above the insurance company's arbitrary limit.

Beginning in 2014, insurance companies will no longer be allowed to deny coverage to individuals with preexisting health conditions or to charge higher premiums based on health status or gender. We learned in a report issued by the National Women's Law Center this week that until these reforms are implemented, insurance companies are continuing to charge women higher premiums than men. In States where this practice is not prohibited, women can pay substantially more than men solely because of their gender. Those who wish to turn back the clock and repeal the affordable care act threaten to return the American people to a broken health insurance system where women can be charged more than men, children can be denied insurance coverage because they were born with a health condition, and individuals risk losing their health insurance solely for getting sick.

In addition to these improvements to our health insurance system, over time the affordable care act will insure 93 percent of our population and make a substantial investment in our economic vitality in the years ahead. I was proud to work with Senator GRASSLEY and others to include strong antifraud provisions in the law that have already helped prevent and detect fraudulent activities that in the past have cost American taxpayers millions of dollars each year. Despite the specious arguments from opponents of reform, this bill is the largest deficit reduction measure upon which many in Congress will ever cast a vote. The Congressional Budget Office estimated that comprehensive reform will reduce the Federal deficit by $143 billion through 2019, and by more than $1 trillion in the decades to come.

Regrettably, opponents of the affordable care act have sought to continue their political battle by challenging the landmark legislation in the courts, right from the moment President Obama signed it into law. These opponents seek to achieve in the courts what they could not in Congress. They want judges to override legislative decisions properly assigned by the Constitution to Congress, the elected representatives of the American people.

In my view, the partisan legal challenges to the affordable care act depend on legal theories so extreme they would not only undo the progress we have made in the affordable care act for kids, families, and senior citizens, they would turn back the clock even farther to the hardships of the Great Depression. They seek to strike down principles that have been settled for nearly three quarters of a century and have helped us build and secure the social safety net through Social Security, Medicare and Medicaid. These challenges to Congress's constitutional authority to enact the affordable care act have been rejected by three courts. Judges appointed by Republican Presidents and Democratic Presidents have rejected these challenges, and they were right to do so. Now the case is before the Supreme Court, which will hear arguments next week.

I have joined congressional leaders in filing an amicus brief defending the affordable care act. I did so not only because I have fought for decades to secure affordable health care for all Americans but because I am convinced that Congress acted well within the limits of Article I of the Constitution in doing so. Before passing the affordable care act, Congress expressly considered and rejected arguments that the law, including the requirement that individuals have health insurance, is not constitutional. I believe we must defend the enumerated powers given to Congress by the Constitution so that our ability to help protect hard-working American workers, families, and consumers is not wrongly curtailed by the courts.

What is telling about the partisan nature of these challenges is that many of those who now claim that the requirement that Americans have health insurance or face a tax penalty is unconstitutional are the very ones who proposed it. Republican Senators like Senator HATCH, the former chairman of the Judiciary Committee, and Senator GRASSLEY, the ranking member of the Judiciary Committee, proposed a health insurance requirement as an alternative when they opposed President Clinton's plan to provide access for all Americans to health care. They were for the individual mandate until President Obama was for it, and now they are against it. Their views may have changed, but the Constitution has not. What they fail to mention are the consequences of removing this provision. If individuals are not required to have health insurance, then they will wait

until they are sick to get coverage, driving up the costs for everyone else in the meantime. This will mean that many of the consumer protections in the law, such as the ban on preexisting health conditions, would disappear, once again leaving millions uninsured. For sake of the health and security of our Nation, the Supreme Court should not cast aside this landmark law and Congress's time-honored ability to act on behalf of the American people.

The affordable care act is a tremendous achievement that will improve the lives of Americans for generations to come. For decades, we have heard heartbreaking stories about the enormous challenges Americans face because they are uninsured or underinsured. With each year that we move forward to implement the features of the affordable care act, these stories are becoming fewer and fewer and are being replaced by stories of the success of these reforms, one family at a time, all across Vermont and all across America.

There is still much more to accomplish, and there are still millions of Americans who are struggling to buy or keep adequate health insurance coverage for their families or themselves. As these reforms are implemented over the next few years, I will continue to work with Vermonters and the Department of Health and Human Services to help Americans have the access to the quality, affordable health insurance that each and every American needs and deserves.

I yield the floor.

VIOLENCE AGAINST WOMEN ACT

Mr. LEAHY. Madam President, I note in morning business that the bipartisan Violence Against Women Act reauthorization now has 61 cosponsors. I thank Senator CRAPO for his leadership and commend the Senators from both parties who came to the floor last week to speak about the importance of reauthorizing the Violence Against Women Act.

I want to thank Senators MIKULSKI, MURRAY, MURKOWSKI, KLOBUCHAR, HAGAN, SHAHEEN, FEINSTEIN and BOXER for coming to the Senate floor last week to express bipartisan support for the Violence Against Women Reauthorization Act and to emphasize the importance of reauthorizing this landmark legislation. I hope that their statements will point the way for the Senate to act soon to pass this important legislation.

Senator KLOBUCHAR spoke about her time as a prosecutor in Hennepin County, MN, and her efforts to put the focus on children's needs in domestic violence cases. She spoke about the dangers faced by law enforcement and the loss of a young officer who was killed while responding to a domestic violence call and who left behind a wife and three young children.

We heard from the respected senior Senator from Alaska, Senator MURKOWSKI, who spoke of the message we need to send so that victims can have confidence and muster the courage to leave an abusive situation. She spoke about the important commitment we make against sexual assault and domestic violence in this legislation and our expanded efforts in rural communities such as the villages of rural Alaska.

The Senate heard last Thursday, as well, from Senator MIKULSKI, Senator MURRAY, Senator HAGAN, Senator SHAHEEN, Senator FEINSTEIN and Senator BOXER, the author of a House bill in 1990 that was an important part of this effort. Eight Senators came to the floor to remind us all why this measure is important and that the Senate should proceed to pass it.

For almost 18 years, the Violence Against Women Act—VAWA—has been the centerpiece of the Federal Government's commitment to combating domestic violence, dating violence, sexual assault, and stalking. The impact of this landmark law has been remarkable. It has provided life saving assistance to hundreds of thousands of women, men, and children, and the annual incidence of domestic violence has fallen by more than 50 percent since the law was first passed.

Support for the Violence Against Women Act has always been bipartisan, and I appreciate the bipartisan support that this reauthorization bill has already received. Senator CRAPO and I introduced the reauthorization of the Violence Against Women Act in November. With Senators HELLER and AYOTTE joining the bill this week, it is now cosponsored by 61 senators from both sides of the aisle, reaching a critical level of bipartisan support.

The Violence Against Women Act is not about partisan politics. It is about saving women's lives and responding to the scourge of domestic and sexual violence. We should consider the bill and pass it because it is vitally important legislation. The legislation now before the Senate is informed by the experiences and needs of survivors of domestic and sexual violence all around the country, and by the recommendations of the tireless professionals who serve them every day. It builds on the progress that has been made in reducing domestic and sexual violence and makes vital improvements to respond to remaining, unmet needs, as we have each time we have authorized and reauthorized the Violence Against Women Act.

Our legislation includes key improvements that are needed to better serve the victims of violence. Because incidence of sexual assault remains high, while reporting rates, prosecution rates, and conviction rates remain appallingly low, this reauthorization increases VAWA's focus on effective responses to sexual assault. It also encourages the use of new, evidence-based methods that can be very effective in preventing domestic violence homicide. The provisions of the bill are described and explained in the committee report, which was also filed last week.

The provisions that a minority on the Judiciary Committee labeled controversial are, in fact, modest changes to meet the genuine, unmet needs that service providers, who help victims every day, have told us they desperately need. As every prior VAWA authorization has done, this bill takes steps to recognize those victims whose needs are not being served and find ways to help them. This is not new or different. It should not be a basis for partisan division. The provisions are not extreme, and they are not political.

This reauthorization seeks to ensure that services provided under the Violence Against Women Act are available for all victims, regardless of sexual orientation or gender identity. Research has proven that domestic and sexual violence affects all communities, but victims of different sexual orientations or gender identities have had a more difficult time obtaining basic services. There is nothing radical or new about saying that all victims are entitled to services. This is what the Violence Against Women Act has always done. It reaches out to help all victims. As Senator FEINSTEIN said last week: ''[T]hese are improvements. Domestic violence is domestic violence.''

Domestic and sexual violence against Native women continues to be a problem of epidemic proportions. Just as we made strides when we enacted the Tribal Law and Order Act two years ago, we can take responsible steps to more effectively protect Native women. Working with the Indian Affairs Committee, we have included a provision to fill a loophole in jurisdiction in order to allow tribal courts jurisdiction over perpetrators who have significant ties to the tribe in a very limited set of domestic violence cases involving an Indian victim on Indian land. This provision would allow prosecution of cases that currently are simply not addressed, and it would do so in a way that guarantees defendants comprehensive rights.

The bill would allow a modest increase in the number of available U visas. Law enforcement is authorized to request visas for immigrant victims who are helping their investigations. These visas are key law enforcement tools that allow perpetrators of serious crimes to be brought to justice. They were created in VAWA previously with bipartisan support. The Department of Homeland Security and the Fraternal Order of Police strongly support this provision because it serves law enforcement purposes.

We all know that while the economy is now improving, these remain difficult economic times, and taxpayer money must be spent responsibly. That is why in our bill, we consolidate 13 programs into four in an effort to reduce duplication and bureaucratic barriers. The bill would cut the authorization level for VAWA by more than $135 million a year, a decrease of nearly 20

percent from the last reauthorization. The legislation also includes significant accountability provisions, including audit requirements, enforcement mechanisms, and restrictions on grantees and costs.

Our bipartisan bill is the product of careful consideration and has widespread support. I have reached out to those who have opposed these provisions to work out a time agreement to govern amendments. The Judiciary Committee passed this bill after considering the amendments offered by the minority. That is what the Senate should do. Then we should move forward and pass this important measure with strong bipartisan support. These problems are too serious for us to delay. We should reauthorize this law now.

This is crucial, commonsense legislation that has been endorsed by more than 700 State and national organizations. Numerous religious and faith-based organizations as well as our law enforcement partners have endorsed this VAWA reauthorization bill. The Violence Against Women Act should not be a partisan matter. The last two times the Violence Against Women Act was reauthorized, it was unanimously approved by the Senate. Although it seems that partisan gridlock is too often the default in the Senate over the last couple of years, it remains my hope working with our Republican cosponsors and if those who have voted for VAWA in the past come forward to support it, we can pass our VAWA reauthorization with a strong bipartisan majority.

Domestic and sexual violence knows no political party. Its victims are Republican and Democrat; rich and poor, young and old, male and female. Let us work together and pass strong VAWA reauthorization legislation without delay. It is a law that has saved countless lives, and it is an example of what we can accomplish when we work together.

TRIBUTE TO HERBERT S. VERRILL

Mr. MCCONNELL. Madam President, I rise today to pay tribute to a man who has made a great sacrifice to protect and defend the liberties of his beloved United States, and the Republic of France as well: 2LT Herbert S. Verrill of Laurel County, KY. Mr. Verrill is a veteran of World War II and served a tour of duty in Europe in 1945. Today he is 92 years old and resides on Old Whitley Road in Laurel County.

Mr. Verrill, or ''Herb'' as many call him, served in the U.S. Army, Company E, 399th Infantry Regiment, 100th infantry division. Near Reyersviller, France, on March 15, 1945, he commanded a small troop. He was just a lieutenant, and at the time he and his men ventured into the midst of an attack that day. To Herb's horror, his unit found themselves trapped in a maze of barbed wire and landmines while bullets whizzed around them. Herb accidentally set off one of the buried mines, and the explosion took off his foot in a nearly fatal wound. In a superhuman act of courage, Herb ignored the pain and forgot the wound he had just received. All the 24-year-old lieutenant would think about was the safety of his troop. Using the one foot he had left, Herb directed his men safely out of the middle of the heated skirmish.

After the war, Herb returned home to Kentucky and settled down. He married, fathered three successful children, and found his way back to civilian life. For the next many years Herb, like many other World War II veterans, kept the courage and selflessness he had shown on the battlefield to himself. He sat by quietly and humbly, watching those around him enjoy the freedoms and liberties he and many others had made such a great sacrifice to preserve. Although Herb had done his best to move on, the world would not forget the great heroism that he had shown.

Herb received a letter from the Consul General of France, based in Chicago, IL, in July of 2011. He had been named a Knight of the Legion of Honor by the President of the French Republic, one of the highest awards one can receive in the country of France. The letter read:

> My fellow countrymen will never forget your sacrifice. Their children and grandchildren are as proud of your courageous actions as can be your own children and grandchildren. This outstanding distinction is the highest honor that France can bestow upon those who have achieved remarkable deeds for France. It is also a sign of gratitude for your invaluable contribution to the liberation of France during these difficult times in the history of our nation.

The award was authorized on July 4, 2011.

Herb was also recognized by the country whose flag he had worn on his uniform in Europe—the United States of America. He received the Distinguished Service Cross. The letter he received from GEN Donald Storm recalled the ''indomitable courage and resolution'' displayed by Herb during the battle in Reyersviller that ''prevented confusion and consequent casualties among the men, which made possible the capture of the objective.''

Herb's nephew, Randy Stanifer, is in awe of the great sacrifice that was made by the service men and women during the Second World War. ''The men from those wars were pre-cell phones and pre-Internet,'' he says. ''They were out in the field and would go months without hearing from their families. They went through many things and when most of them came home, they didn't talk about it.''

Randy went on to declare, ''I think we should all pause for a few minutes and recognize the things they had to go through and appreciate their sacrifices.''

Herb was extremely pleased to receive both awards. He is one of the few remaining veterans of World War II; sadly, our country loses more every day. He answered his country's call to serve, and he did so valiantly. Herbert Verrill undoubtedly deserves every recognition.

Mr. President, at this time I would like to ask my Senate colleagues to join me in commemorating the service and sacrifice made by 2LT Herbert S. Verrill in World War II on behalf of the United States of America and the French Republic.

Recently an article appeared in the Laurel County-area publication the Sentinel Echo. The article highlighted the courageous life of Mr. Verrill and reported on the awards bestowed upon him by the French Republic and the United States in July, 2011. Mr. President, I ask unanimous consent that said article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Sentinel Echo, Aug. 26, 2011]

LAUREL MAN RECEIVES FRENCH MILITARY HONOR

(By Nita Johnson)

A local veteran of World War II recently received two honors for his military service, one of which is the highest honor bestowed by the French government.

Herbert Verrill of Old Whitley Road was presented with the Knight of the Legion of Honor on behalf of the President of the French Republic through the Consul General of France, based in Chicago. He also received the Distinguished Service Cross for his valor in leading his men away from harm during a battle in France and for directing his company to continue an attack, despite being injured himself.

Verrill served with the United States Army Company E, 399th Infantry Regiment, 100th Infantry Division near Reyersviller, France, on March 15, 1945. Verrill, a lieutenant at the time, was leading his troops through an attack by enemy forces—through mines and barbed wire—when he accidentally set off one of the mines. The explosion blew Verrill's foot off. In spite of the pain and trauma, Verrill kept his fellow comrades and their safety foremost, and ordered them away from the minefield. He continued to ensure their safety and defense by continuing to direct the men by hand and arm signals.

Verrill received the letter from Graham Paul, Consul General of France in Chicago, Ill., last month.

''It is my pleasure . . . to inform you, on behalf of the people of France, the President of the French Republic has named you Knight of the Legion of Honor for your valorous action during World War II,'' the citation reads. ''My fellow countrymen will never forget your sacrifice. Their children and grandchildren are as proud of your courageous actions as can be your own children and grandchildren. This outstanding distinction is the highest honor that France can bestow upon those who have achieved remarkable deeds for France. It is also a sign of gratitude for your invaluable contribution to the liberation of France during these difficult times in the history of our nation.''

The award was authorized through a decree from the President of the French Republic on July 4, 2011.

Verrill was also presented with the Distinguished Service Cross by the American government for his courageous acts. The citation outlining Verrill's heroic act reads: ''The President of the United States of America, authorized by Act of Congress,

July 9, 1918, takes pleasure in presenting the Distinguished Service Cross to Second Lieutenant (Infantry) Herbert S. Verrill, United States Army, for extraordinary heroism in connection with military operations against an army enemy.

''The indomitable courage and resolution which he displayed prevented confusion and consequent casualties among the men, which made possible the capture of the objective. Second Lieutenant Verrill's intrepid actions, personal bravery and zealous devotion to duty exemplify the highest traditions of the military forces of the United States and reflect great credit upon himself, the 100th Infantry Division, and the United States Army,'' reads the citation.

The award was recently presented by Adjunct General Donald Storm, who said, ''It is an honor and privilege to give him the award. Those soldiers in Afghanistan now will be the next generation of heroes.''

Verrill is one of the few remaining veterans from World War II, and although nearly bedfast now at age 92, he was pleased to receive the honor. His nephew, Randy Stanifer, praised his uncle for his valiant contributions to his country, not only during wartime but also after returning home from the war.

Verrill, a mere 24 years old while doing his military service in France, watched the war rage throughout Europe and made his sacrifices like thousands of other servicemen and women. ''Herbert came back home, married and raised three children, all of whom are successful. Herbert and the men from those wars were pre-cell phones and pre-Internet. They were out in the field and would go months without hearing from their families. They went through many things and when most of them came home, they didn't talk about it,'' he said.

Stanifer mentioned two other local World War II veterans, of whom he learned information about their wartime activities.

''Vernon Hedrick, who died a few years ago, escaped from a German POW camp and walked over 100 miles to get away from enemy lines,'' he said. ''I didn't know that until recently. Bill Moore (owner of London Tire until his death) was given his last rites on the battlefield. They both survived and came back home, but they didn't talk about these things.''

''Herb (Verrill) never talked about any of (his experience),'' he continued. ''That generation has sat back and watched the country do what it's doing now. I think we should all pause for a few minutes and recognize the things they had to go through and appreciate their sacrifices.''

TRIBUTE TO WILMER LEE BOGGS

Mr. McCONNELL. Madam President, I rise today to pay tribute to a man who has not only valiantly served his country but has also been a devoted husband and a loving father and grandfather, Mr. Wilmer Lee Boggs of Laurel County, KY. Mr. Boggs served in the U.S. Army Air Corps for over 3 years, and upon returning home he contributed to the Nation in a different way, by serving with the U.S. Postal Service for a quarter of a century.

Wilmer was drafted into the U.S. Armed Forces in 1942. He was 21 years old. Shortly after receiving glowing scores on his entrance exam, he was pulled out of basic training in Ft. Thomas, KY, after only a few days and transferred to the Air Corps, the Army service division from which the Air Force would later come. At the time, the Army Air Corps was in need of mechanics, specifically supercharger mechanics. Superchargers were built onto plane engines to provide the vehicle with more power and speed. The skills displayed by the young Wilmer Boggs showed that he was the man for the job.

Wilmer Boggs, along with the rest of his supercharger class No. 21, graduated from the Aviation Institute of Technology in 1943. Based in England, Wilmer spent the next 7 months going wherever the Corps called him to repair, service, stock, and fuel the airplanes.

Born and raised in Laurel County, Wilmer Boggs had never lived anywhere else. While he was in the Army Air Corps he traveled through 19 different countries and made sure to hold onto a little piece of home the entire time: his dear friend Wilma Vaughn. Mr. Boggs had promised Wilma, whom he had met at Sue Bennett College, that he would write to her faithfully each month, and that is exactly what he did. The two kept up until the soldier returned home in January 1946.

Just 6 months later, in July of 1946, Wilmer went to pick Wilma up from her house with the idea of marriage in the back of his mind. The unsuspecting Wilma was no doubt surprised by Wilmer's request. But love prevailed, and later that day the two were wed, and according to Wilmer, ''She was the best wife there ever was.''

Wilmer went on to become a postmaster in the U.S. Postal Service while Wilma taught elementary school. They retired together in 1981. Sadly, his beloved Wilma passed away in 2011 but not before the two had seen almost the entire western part of the United States together.

Wilmer has spent his 89 years on Earth forging a legacy that is matched by few. His character is upstanding, and he is a man driven by principle. He is deeply loved and admired by his family, and he is greatly respected by those who know him. It is men like Wilmer whom we can all look up to. Underneath the loyalty and service he has shown his country in its time of need, there is a deep and humble appreciation for his fellow man and local community, which he has conveyed throughout his lifetime.

Mr. President, at this time I would like to ask my Senate colleagues to join me in commemorating Mr. Wilmer Lee Boggs for his upstanding character and devoted service to country and community throughout his prosperous lifetime.

An article was published in the Sentinel Echo Silver Edition in the fall of 2011. The story observed the phenomenal life and times of Wilmer Lee Boggs and his dedication to the U.S. Postal Service, the U.S. Army, and his local economy. Mr. President, I ask unanimous consent that said article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Sentinel Echo Silver Edition, Fall 2011]

WORLD WAR II: TAKING THE LEAD

(By Carrie Dillard)

After 25 years with the United States Postal Service, Wilmer Lee Boggs retired as postmaster in 1981. The 89-year-old has worked in banking and the family business, in farm machinery and dairy. He's volunteered for more than four decades with soil conservation and the Gideons.

With his natural leadership abilities, Boggs could've been a politician like his father, Boyd Boggs, who served as both judge and sheriff during his lifetime, but he preferred tinkering with tools instead.

It's why his job in the U.S. Army Air Corps suited him perfectly. Boggs was an airplane engine mechanic, specializing in superchargers.

''It was pretty fortunate to get to do something I liked to do.'' he said.

Boggs was drafted into the military in 1924. He was 21 years old.

''I got a notice to go into London to the draft board. I was expecting in,'' he said.

Although Boggs was drafted into the Army, his entrance exam quickly showed an aptitude for more, and he was chosen for the Air Corps, a predecessor to the Air Force.

He was supposed to do his basic training at Fort Thomas, Kentucky, but after just a couple of days there, he was selected to go to mechanics school.

''I took a test,'' he said, ''and they pulled me out it. They was needing people to go to mechanics school.''

Boggs was then selected to specialize in superchargers, which gave the airplane engine more power, and became a graduating member of supercharger class No. 21 from the Aviation Institute of Technology in 1943.

During the war, Boggs's home base was England. Boggs has lived his whole life in Laurel County, except for his time in the service when he traveled to 19 countries, including Scotland, Casablanca, Algeria, and Russia.

''It was my first time away from home,'' he said. He remembers the damp cold of Ireland, the beauty of Switzerland, and being bombed out in Russia.

Supercharger mechanics were scarce. Boggs said he'd be moved from base to base as needed. ''Our job was to service the planes, put bombs in them, fuel them up and repair them,'' he said.

At his highest rank, he was a sergeant. ''That's the highest I wanted to go,'' Boggs said. ''If you went any higher, you had more responsibility.''

In total, Boggs was in the Air Corps for 38 months, spending seven months overseas.

During his time across the ocean, he'd write home to family and to an ''acquaintance,'' Wilma Vaughn.

Boggs met Wilma, who would later become his wife, while he was attending Sue Bennett College, but the first time he saw her was at Lily High School. Boggs went to school at Lily for 15 weeks before transferring to Hazel Green, but he would remember Wilma.

''I don't think I even spoke to her then,'' he said, ''but that was the first time I saw her.''

Although they were not dating at the time, Boggs said he would write her faithfully once a month.

''I couldn't tell (her) much about what I was doing,'' he said. Although Boggs went overseas on a ship—the Queen Mary—he came back in a boat one-third of the size.

''I was seasick,'' he said. After their departure, they encountered a storm and were

forced to wait it out. ''For 17 days, we didn't move, just rocked. Everyone was sick.''

Upon leaving military service, he made short work about marrying Wilma Vaughn.

''I came home in January 1946. We were married in July 1946.''

On the day that would end up being his wedding day, Boggs asked to borrow his father's Chevy. He didn't have a car at the time. He drove over to Wilma's house and picked her up.

''She didn't know we was going to get married until I picked her up,'' Boggs said. ''She was the best wife there ever was. A real Christian woman.''

The couple's first car was a '36 Ford they bought in 1947. They'd been married for six months and needed a car because Wilma was teaching school.

Boggs said it seems odd by today's standard that you'd have to buy a nearly decade-old car, but that's the way it was back then.

''You couldn't get a car back then, new or used. We were lucky to get that one,'' he said.

While at Sublimity Elementary, Wilma retired from teaching in 1981, the same year Boggs retired from the post office, in order to travel. Before Wilma's passing earlier this year, the two had seen most of the western United States together.

Boggs enjoys woodworking, having built his home in the Sublimity area. He keeps his family close, as a majority live just a stone's throw away, including his daughter, Libby Smallwood.

He has three grandchildren and two great-granddaughters.

TRIBUTE TO ''CHIP'' JAENICHEN

Mr. MCCONNELL. Madam President, I rise today in honor of Captain Paul ''Chip'' Jaenichen, United States Navy, who is retiring this month after three decades of dedicated service to our great Nation. Captain Jaenichen has spent the last 2 years of his career serving the U.S. Congress as the Navy's Deputy Chief of Legislative Affairs. In this role, Captain Jaenichen maintained oversight of the Navy team that provides Members and committees of Congress with information concerning the programs of the Department of the Navy.

Captain Jaenichen's Kentucky roots run deep. He spent his formative years in Brandenburg, graduating from Meade County High School in 1978. During his senior year he was selected as one of 50 football players from across the Commonwealth to play in the 1978 East-West All-star game. Chip's wife Paula was born in Morganfield, grew up in Louisville and later attended Meade County High School with him. After her graduation from Western Kentucky University, Paula and Chip were married in Brandenburg. The couple then moved to Louisville, where they lived until he began the Nuclear Training pipeline. Their daughter Rachael attended Murray State University and is now an English teacher at Reidland High School in Paducah. Chip and Paula's son Nathan currently serves as a Marine Corps pilot.

Chip was able to pay homage to his Kentucky heritage in his career as the Executive Officer of the USS *Kentucky*, an Ohio Class ballistic missile submarine. During this tour he started a Namesake State school partnership with Raceland Elementary School near Ashland. Through this program, which continues to thrive, he coordinated several visits for the crew of the Kentucky to work on humanitarian projects in the Commonwealth. Chip's efforts led to his nomination and selection to the Honorable Order of Kentucky Colonels in 1996, an organization with which he remains active.

Captain Jaenichen's naval career began in 1978 with an appointment to the U.S. Naval Academy from Representative William Natcher. Upon graduation, he was commissioned as a submarine officer and spent the majority of his career on sea duty. He honorably served on four different submarines before assuming the role of Executive Officer aboard the USS *Kentucky*. After three strategic deterrent patrols with the *Kentucky*, Captain Jaenichen assumed command of the USS *Albany*. Captain Jaenichen served the final 2 years of his career with the Navy's Legislative Affairs office here in Washington.

I thank Captain Jaenichen for his 30 years of loyal service to this Nation. He has made a lasting and significant contribution to the United States Navy and our Nation. I wish him and his family all the best as they begin this new chapter in their lives.

TRIBUTES TO SENATOR BARBARA MIKULSKI

Mr. LIEBERMAN. Madam President, I rise today to join my colleagues in congratulating Senator BARBARA MIKULSKI from Maryland on becoming the longest-serving woman in the history of Congress. Senator MIKULSKI has thus reinforced her distinctive mark on this institution and her unmistakable place in our Nation's history.

Those who have worked beside Senator MIKULSKI know her to be a dynamic force of nature. While she is not the tallest senator, she reaches the greatest heights with her strong principles, indomitable spirit, and steely resolve.

From the neighborhoods of east Baltimore to the Halls of Congress, she has spent her career in the political trenches fighting for others—for women, for working Americans, and for her beloved Maryland. Senator MIKULSKI has been a practical leader for better women's health care. She fought to have women included in clinical trials and medical research at the National Institutes of Health and helped establish federal standards for mammograms.

Her impact is not only felt in the lives of those she serves, but also in her relationships with those she serves with. At this time in our politics when the partisanship pulls us apart, when tribal instincts have coarsened our discourse and weakened our bonds, Senator MIKULSKI is a unifying force of comity in the Senate. She brings a sense of civility and a sense of humor to this institution at a time when both are sorely needed.

Women senators fondly know Senator MIKULSKI as their Dean. She hosts regular bipartisan dinners for them and is a trusted mentor. She understands that while many of us come to Congress with competing goals, at the end of the day, we are colleagues. We have to work together. Unless we can affirm our bonds as colleagues and fellow humans, the work we are tasked with by the American people will not get done, and the public interest will suffer as a result.

Senator MIKULSKI's remarkable career continues to inspire women across our country on the nobility of public service and the ability for one person to bring about positive change in the lives of others. It is a pleasure to serve beside her, and I wish her my very best for many more productive years here in the Senate.

Mr. BENNET. Madam President, today I want to honor Senator BARBARA MIKULSKI, who has represented the people of Maryland for more than 35 years, and who earlier this week became the longest-serving female Member of Congress. Senator MIKULSKI is a fighter, a fearless leader and a role model for women and young girls everywhere, including my three daughters, Caroline, Halina and Anne.

During the course of her distinguished career, Senator MIKULSKI has been an incredibly effective advocate, and in particular has taken a leadership role in mentoring other women as they follow in her footsteps to the halls of Congress. She has represented Maryland exceptionally well—on issues ranging from civil rights and the environment, to issues affecting working families and our criminal justice system.

Tracking Senator MIKULSKI's career is also a good way to follow the progress of women in our country. When first elected to Congress for Maryland's 3rd district in 1976, Senator MIKULSKI was one of 21 women serving in Congress. Today there are 92 women serving, thanks in large part to the trailblazing efforts of Senator MIKULSKI.

Through her work in an array of roles, from the women's amendment in the Affordable Care Act to her leadership on the Senate Subcommittee on Children and Families, Senator MIKULSKI is known as a coalition builder. This role has led her to cultivate personal and professional partnerships among the members of the Senate. Likely some of the country's most important work is done during the bipartisan dinners she frequently hosts for her female Senate colleagues.

I am proud that my first vote as a Senator in January 2009 was in favor of one of Senator MIKULSKI's bills, the Lilly Ledbetter Fair Pay Act, which guarantees women equal pay for equal work. And I have thoroughly enjoyed

working with her in the Senate HELP Committee on Elementary and Secondary Education Act reauthorization and passage of the Affordable Care Act. I look forward to continuing to work with Senator MIKULSKI on these and other important issues in the Senate.

March is Women's History Month, and I can think of no better time to honor and reflect on what Senator MIKULSKI's work has meant to the United States Senate and to her constituents in Maryland. Let us follow the leadership of Senator BARBARA MIKULSKI and continue to fight for a better America.

Mr. WARNER. Madam President, I want to join my colleagues in today's well-deserved accolades for my friend, BARBARA MIKULSKI.

The other day, as often happens to most of us here, I found myself temporarily waylaid by an informal scrum of reporters in one of the Capitol hallways. And, unknown to me, I was blocking Senator MIKULSKI's path. She made me aware of that fact in her distinctive and typically endearing way: ''Hey, Tall and Lanky—make way for Short and Stocky!'' she said.

But it is not just that humor and good nature that makes BARBARA MIKULSKI such a great colleague and friend. As a resident and colleague from an adjoining State, I respect all she has done at the local level, in the U.S. House and now in the Senate, to move the National Capital Region forward in terms of the regional ties that join together this special region where we live and work.

You see, Virginia and Maryland share more than just a common border. Our two States are home to hundreds of thousands of hard-working and underappreciated Federal workers and retirees. Our States share safety and funding concerns related to Metro. We each have a shared responsibility in our stewardship of the Chesapeake Bay. Maryland and Virginia also share world-class NASA facilities on the Eastern Shore.

As a friend, I appreciate her leadership role in helping this first-time legislator—and recovering former Governor—make the sometimes difficult adjustment to this body. As the father of three daughters, I am grateful for the doors Senator MIKULSKI has opened—and sometimes kicked-open—for young women.

Senator MIKULSKI truly is a force of nature. She is tough, focused and extremely effective. And as these testimonials demonstrate, Senator MIKULSKI is widely respected and loved by current and former members of this body.

I am pleased to join these colleagues in thanking Senator MIKULSKI for her service, her leadership and her friendship.

INTENT TO OBJECT

Ms. MIKULSKI. Madam President, I intend to object to proceeding to the 21st Century Postal Service Act, a bill to improve, sustain, and transform the United States Postal Service, dated March 22, 2012.

I ask unanimous consent that a letter of March 20, 2012, sent by myself to Majority Leader REID, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
WASHINGTON, DC,
March 20, 2012.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR REID: I write to notify you that I am putting a hold on S. 1789, the Postal Reform bill, dated March 20, 2012. I will submit a copy of this notice to the Legislative Clerk and the Congressional Record within 2 session days and I give my permission to the objecting Senator to object in my name.

While I absolutely agree that the United States Postal Service (USPS) must be reformed to meet the country's needs in the 21st Century, I must object to moving forward on consideration of this legislation while the USPS continues a rushed study to close a needed mail processing center on the Eastern Shore of Maryland. Making matters worse, USPS plans no public hearings and no opportunity for written comment in this study process. This is totally unacceptable.

The half a million residents who live on the Eastern Shore and rely on the mail service must have a voice in this process. These residents include farmers, small businesses and a significant rural and elderly population that relies heavily on mail delivery for life saving medications, daily newspapers, and important business documents.

The Easton area mail processing center is the only mail processing center on the Eastern Shore of Maryland and its ongoing operation is critically important to the economy of the shore. Relaxing delivery standards by moving mail processing from Easton to Delaware is simply not a practical or sustainable option.

My constituents have a right to be heard, they have a right to maintain the standard of delivery service that they currently receive, and they deserve a fair and transparent process for decisions about the Easton area mail processing center.

I'm grateful for your leadership, and I look forward to working with you to ensure that the Postal Service remains financially solvent and ready for the 21st Century. But I must object to consideration of S. 1789 while this issue remains outstanding and I grant permission for you (or your designee) to object in my name.

Sincerely,

BARBARA A. MIKULSKI,
United States Senator.

THE INVEST ACT

Mr. FRANKEN. Madam President, I would like to discuss the votes that we have taken over the last few days. Tuesday, along with 54 of my colleagues, I voted in support of the INVEST In America Act as a substitute for H.R. 3606. In fact, I was an original cosponsor of the INVEST In America Act because it strikes the right balance between promoting entrepreneurship and protecting investors.

But before I go into a long explanation, I would like to begin with a story. Bemidji is a town of about 14,000 people in northern Minnesota and might not be the first place you would think of as being a hotbed for start-up investment. But you would be wrong. Three entrepreneurs there, Tina, Bud and Tim, harnessed the power of the Internet and the crowd-sourcing website Kickstarter to raise over $17,000. With that money, they are opening a micro-brewery—the Bemidji Brewing Company.

Two hundred and fifty individuals contributed to their efforts—about half of them were friends and family, and half of them were strangers. Many contributors gave $20—and in return, Bemidji Brewing is sending them a bottle opener and decal, and will carve their name into the walls of the future brewery. Bemidji Brewing hopes to have batches out to local establishments this summer.

This is an amazing story. And there are thousands of others just like it. I support efforts to promote these types of crowd-sourced endeavors. But we don't need H.R. 3606 to produce more success stories like Bemidji Brewing. Instead, we need a balanced approach—one that limits investor risk and keeps our markets transparent and stable. When the public has the opportunity to contribute to start-up businesses, they should be aware of the risks—what are they getting in return for their money? Investing in securities comes with risks, but those risks are balanced with SEC requirements to provide full information and investor disclosure.

H.R. 3606 just has too many problems. H.R. 3606 opens the door for large companies to more easily cook their books. It lets companies with tens of thousands of shareholders evade SEC oversight. It eliminates provisions to prevent conflicts of interest in company research that contributed to the dot com bubble. There are so many downsides and dangers to H.R. 3606 that it will destroy more jobs than it creates.

The INVEST In America Act, however, promotes the same ideas contained in H.R. 3606—providing for investment opportunities for small business start-ups, easing the regulatory burden for emerging companies—but does so in a way that protects investors and our markets.

Don't take it from me—take it from securities law experts. I have heard from Richard Painter, a professor of corporate law at the University of Minnesota, a former Associate Counsel to President George W. Bush, and Chief White House Ethics Lawyer from 2005 to 2007. Here is what he said about this debate:

> I strongly support these amendments to the JOBS Act. Reckless and fraudulent conduct in connection with the offer and sale of securities is a large part of what got us into our present economic difficulties. Lowering the bar for the offer and sale of risky securities to the public is no way to get us out. If Congress changes the securities laws at all in this Act, these amendments should be included.

The current Chairman of the SEC, Mary Schapiro, has said that one component of H.R. 3606 is ''so broad that it would eliminate important protections for investors in even very large companies.'' Former SEC Chairman Arthur Levitt went much further, calling H.R. 3606 ''a disgrace'' and the ''most investor-unfriendly bill that I have experienced in the past two decades.'' Lynn Turner, former Chief Accountant at the SEC said, ''It won't create jobs, but it will simplify fraud.''

And this is what Mike Rothman, the Commissioner of Minnesota's Department of Commerce, had to say:

> Too many Minnesotans have suffered too long from unemployment. With nearly 170,000 Minnesotans out of work, our State's highest priorities are supporting economic and business growth and creating jobs. The Jobs bill passed recently by the U.S. House of Representatives strives to achieve much-needed job growth, but contains unwarranted reduction in significant investor protections.
>
> The Minnesota Department of Commerce works to prevent securities fraud. Last year, the Commerce Department registered over 7,000 new licenses to broker dealers, agents, and investment advisers and has over 125,000 individuals and entities currently licensed. Through our State registration process, we work to ensure that those selling securities and advising consumers about securities are both knowledgeable and capable. This essential level of oversight helps ensure basic protection of Minnesota investors and consumers.
>
> The House version of the Jobs bill threatens to unravel what years of experience teaches us is required to protect investors by curtailing state oversight and, in the interest of protecting our State's capital market, I urge you to support the substitute amendment. Working together, we can make every reasonable effort to create jobs while safeguarding the need for basic and essential measures of consumer protection.

That is from Minnesota's Department of Commerce, the primary watchdog for securities in the state of Minnesota.

Minnesota's AARP State President, Dr. Lowery Johnson, summarized the issues this way:

> Older Americans who have saved their entire lives by accumulating savings and investments are disproportionately represented among the victims of investment fraud. This legislation before the Senate undermines vital investor protections and threatens market integrity. Older Minnesotans deserve safeguards that ensure proper oversight and investor protection.
>
> We must not repeat the kind of penny stock and other frauds that ensnared vulnerable investors in the past. The absence of adequate regulation in the past has undermined the integrity of the markets and damaged investor confidence while having no positive impact on job creation. Please preserve essential regulations that protect older investors from fraud and abuse, promote the transparency, and ensure a fair and efficient marketplace. We believe the amendment to be offered by Senators Reed, Landrieu and Levin moves closer to achieving this balance and deserves your support.

I have also heard from other consumer groups from around the country. The Consumer Federation of America supports the INVEST In America Act, and cautions against H.R. 3606, noting that it would ''undermine market transparency, roll back important investor protections, and, if investors behave rationally, drive up the cost of capital for the small companies it purports to benefit.''

All of these voices—from Minnesota and across the country—shaped my position on these bills. That is why I supported the INVEST In America Act. That is why 55 Senators voted in favor of it. The INVEST In America Act also included reauthorization of the Export-Import Bank, which has supported almost $1.2 billion in export sales in Minnesota over the last 5 years, and well over half of those exporters are small businesses. That is a lot of jobs in Minnesota.

We have made some improvements to this bill. The amendment passed in the Senate is better than the language in the House bill. But it still leaves too many opportunities for harm. Here is the bottom line: I strongly support entrepreneurs, I support innovation, and I support job creation. The INVEST In America Act struck the right balance between promoting jobs and entrepreneurship while preserving the integrity that our markets have historically enjoyed.

American public companies have benefited from the lowest cost of capital in the world, and this is because of the low risks associated with investing in transparent, well-regulated markets. America is a great place to invest because the entire world has confidence in our markets. If H.R. 3606 increases fraud, or even just investment losses, this bill runs the risk of backfiring completely—decreasing investor confidence and ultimately increasing the cost of doing business. And this will ultimately destroy jobs, not create them.

In the end, I couldn't support H.R. 3606 for all those reasons. It is a bill that is going to enable fraud, a bill that turns our securities market into a lottery game, and a bill that will lead to many Minnesotans, especially seniors, losing their hard-earned savings and investments.

HEALTH CARE

Mr. HATCH. Madam President, in defending the Constitution and arguing for its ratification, Alexander Hamilton stated plainly in the first of the Federalist Papers the challenge and the promise of American democracy.

He explained:

> It has been frequently remarked that it seems to have been reserved to the people of this country, by their conduct and example, to decide the important question, whether societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever destined to depend for their political constitutions on accident and force.

The challenge identified by Hamilton and our Founding Fathers remains with us today.

Will American citizens and will our political institutions maintain our Constitution and adhere to the rule of law or will we succumb to force and the whims of the moment?

Will the law be supreme and will the Constitution endure or will politics prevail?

This is a choice that Americans and public officials face every day.

But some moments present this choice in bolder terms. And the legal challenge to the President's health care law is one of those moments that present a stark choice.

Will we support the Constitution or will we throw in with the passing wishes of temporary majorities?

That is the choice that we as Americans face and that the Supreme Court will face when it hears oral arguments on this case next week.

There are a number of issues before the Court, but at the top of the list is the constitutionality of the individual mandate.

Like many critical constitutional questions that come before the American people, particularly those of first impression, it often takes some time for a consensus to emerge.

The answer is not always immediately clear. But through public dialogue and argument, the constitutionality of these actions comes into greater focus.

That is what happened with ObamaCare's individual mandate. As the implications of this sweeping exercise of Federal power became clear, the American people's initial hesitation about this provision solidified into an enduring bipartisan consensus that this mandate violates our constitutional commitment to limited government.

The American people came to understand that if the individual mandate is permissible, then anything is permissible.

If the individual mandate is allowed to stand, then there are no effective limits on the Federal Government.

And if there are no limits on the Federal Government, then our constitutional liberties are in jeopardy.

The American people came to understand that the question about the individual mandate runs far deeper than any debate about health care. They understand that the mandate presents us with a pivotal question.

Will we maintain the Constitution as our supreme law, one which puts effective limits on the powers of the Federal Government, or will we abandon the Constitution bequeathed to us by our Founding Fathers and, instead, accept a new constitutional order where the only restraints on the Federal Government are those it deigns to place on itself?

The American people—and certainly the people of Utah—have made clear at every opportunity their deep skepticism about the individual mandate.

Presidential candidate Barack Obama understood these concerns about the individual mandate. The media noted during the Presidential

campaign that while then-Senator Hillary Clinton's plan would require all Americans to purchase health insurance, then-Senator Obama declined to go down that road.

One writer predicted that an economic mandate requiring Americans to purchase a particular product ''would give the inevitable conservative opposition a nice fat target to rally around.''

That nice fat target was an historically unprecedented expansion of Federal power in violation of the Constitution's commitment to limited government.

Unfortunately, President Obama put the politics of health care reform over any concerns about the constitutionality of the individual mandate.

This is how the journalist Ron Suskind explained the President's conversion:

> Obama, never much for the mandate, was concerned about legal challenges to it but was impressed by DeParle's coverage numbers. Without the mandate, the still-sketchy Obama plan would leave twenty-eight million Americans uninsured; with the mandate, the estimates of the number left uninsured were well below ten million.

And so he made his decision.

The President of the United States takes an oath to support and defend the Constitution. As a candidate, and as President, it appears that President Obama was aware of the constitutional concerns with the individual mandate.

But like his progressive forebears, he put his policy desires before the long-term integrity of our Constitution.

Fortunately, the American people were not so quick to put the Constitution second.

Along with a number of my colleagues here in the Senate, I made the case for the mandate's unconstitutionality a priority.

On the first day of the Senate Finance Committee's markup of what would become ObamaCare, I raised doubts about the constitutionality of the individual mandate.

Those doubts were dismissed.

I offered an amendment that would have provided for expedited judicial review of any constitutional challenges to the legislation.

That amendment was ruled out of order.

But the constitutional concerns with this mandate would not be buried.

The people of this country would get their say on this sweeping assertion of Federal power, one far in excess of anything the Founders contemplated.

My State of Utah helped to lead the way, signing on as an original plaintiff in the litigation that is now before the Supreme Court. And I was honored to work with the Republican leader, my friend and colleague, Senator MCCONNELL, in developing friend-of-the-court briefs filed at the trial level, at the initial appellate level, and now before the Supreme Court.

Putting aside all of the precedents, this really is a matter of simple logic and common sense.

Our Constitution is one of limited powers. The powers of Congress are few and enumerated. Yet if this mandate is allowed to stand, then there are effectively no limits on the Constitution any longer.

Something has to give.

Either this mandate will stand or our Constitution will stand.

But both cannot survive this litigation.

The Eleventh Circuit got it right in its analysis of this law. This is what they concluded:

> Economic mandates such as the one contained in the Act are so unprecedented, however, that the government has been unable, either in its briefs or at oral argument, to point this Court to Supreme Court precedent that addresses their constitutionality. Nor does out independent review reveal such a precedent.

The partisan supporters of ObamaCare will say that this is just the opinion of a conservative court.

But it is also the opinion voiced by the liberal writer Timothy Noah as far back as 2007.

And there is some evidence that it was the opinion of Senator Obama when he declined to endorse a sweeping individual mandate when running for President.

But once elected, President Obama put politics first. In the interest of supercharging the welfare state and passing his signature legislative initiative, he put aside any concerns with the individual mandate and endorsed this unprecedented regulation of individual decisionmaking.

The President should have stuck with his original position.

Those who defend the constitutionality of the individual mandate make an astounding claim—that the decision not to buy something, in the aggregate, substantially affects interstate commerce. Those who defend this position stand for the proposition that the Federal Government can regulate your decision not to do something, that it can regulate not just economic activity but economic inactivity, and that Congress can regulate not just physical activity but mental activity.

If Congress can do these things, Congress has no limits.

A Constitution that creates a limited Federal Government has been transformed into a Constitution that gives plenary, and unconstrained, power to the Federal Government.

This is not only something that the American Founders worked hard to prevent, but it is something that contemporary Americans continue to reject.

There are many reasons to oppose ObamaCare. Today, the administration's allies are touting the benefits of the law for small business. This is laughable.

The administration promised that ObamaCare's small business credit would help more than 4 million small businesses. This was a pretty paltry concession to the businesses that would be harmed by the employer mandate, new regulations, and half a trillion dollars in taxes and penalties imposed by ObamaCare.

And as could be expected from such a top-down, Washington-centered approach, businesses have been less than eager to take up this complex credit. The administration claimed that 4 million small businesses would use this credit. Yet according to a report from the Treasury Inspector General, after 2 years, only 309,000 taxpayers, or 7 percent of qualified entities, have claimed this credit.

But as bad as ObamaCare's policies are—confusing benefits, heavyhanded mandates, and enormous economic costs for families and businesses—it is the profound unconstitutionality of the law that remains paramount in the minds of most Americans.

Next week, almost 2 years to the day after ObamaCare became law, the Supreme Court will consider arguments in this historic case.

I am confident that when the dust settles, our Constitution will emerge standing and strong.

And I am equally confident that the American people will have the last word on those politicians who chose to look the other way, rather than acknowledge the deep constitutional shortcomings of this unprecedented intrusion on the liberty of America's citizens and taxpayers.

ADDITIONAL STATEMENTS

TRIBUTE TO DR. ED COULTER

• Mr. BOOZMAN. Mr. President, today I wish to honor Dr. Ed Coulter, who is retiring from his position as Chancellor of Arkansas State University Mountain Home (ASUMH) after 16 years of service and a lifetime of dedication to higher education.

Dr. Coulter devoted his life to education and began his career serving as a public school principal for 3 years. He spent the next 25 years working at Ouachita Baptist University as an assistant to the President and Vice President for Administration before joining ASUMH as Chancellor in 1995.

In his 16 years at ASUMH, Dr. Coulter expanded the campus from a small community college into the innovative institution it is today. His enthusiasm and leadership made him a very effective fundraiser which resulted in the expansion of facilities on the 140-acre campus. Under his watch, the $24 million, 65,000 square-foot Vada Sheid Community Development Center was built, which has become an icon to the campus and community alike.

Along with his commitment to education, Dr. Coulter has worked with numerous professional associations. His roles have included serving as a Chair of the American Association of Community Colleges Board of Directors, American Cancer Society Board of Directors, Arkansas State Chamber

of Commerce Board of Directors, and was corporate board member of the Baptist Medical Center System. He currently serves on the Board of Directors of First National Bank and is a member of the Mountain Home Rotary Club.

I congratulate Dr. Ed Coulter for his outstanding achievements in education and I ask my colleagues to join me in honoring his accomplishments. I wish him continued success in his future endeavors and I am grateful for his years of service and leadership to Arkansas.●

TRIBUTE TO GEORGE MOSES

● Mr. CASEY. Mr. President, today I wish to congratulate George Moses of Pittsburgh, PA, on his selection by the National Low Income Housing Coalition for the Cushing Niles Dolbeare Lifetime Service Award. Mr. Moses has dedicated his life to helping others and this award serves as recognition of a lifetime of service to those in need.

Mr. Moses' life has been one of service, perseverance, and leadership. He served his country as a soldier in the United States Army from 1963 until his honorable discharge in 1965. He then returned to work in Pittsburgh, including as a laborer in the city's steel mills. In 1990, his life underwent a significant change. Following a major surgery, he was unable to climb stairs and as a result moved into an apartment in the East Liberty section of Pittsburgh. Mr. Moses took a leadership role, working to help his fellow residents, and together with them founding an organization called the Federal American Coalition of Tenants, which focused on educating residents to fight for fair and equal housing practices.

Mr. Moses has continued his work on behalf of low-income residents to this day. His leadership and advocacy were instrumental in assisting hundreds of people who lived in Pittsburgh's Northside avoid eviction. When a HUD-Assisted rental housing development tried to evict many of its residents, Mr. Moses stepped in and helped to organize the Northside Coalition for Fair Housing. The Northside Coalition's actions were successful in helping keep many of the residents in their homes, and to this day, the Northside Coalition helps to manage the properties and provide social services to the residents.

For the past 12 years, Mr. Moses has been a strong advocate for affordable housing at the national level, serving on the Board of Directors of the National Low Income Housing Coalition. For the last 6 years he has served as Chairman of that board. The Lifetime Service Award being given to him by the Coalition is a fitting tribute to the leadership and service he has devoted to it. I thank him for his service to Pennsylvania and the Nation, and offer him my warmest congratulations on this well-deserved award.●

TRIBUTE TO LTC DAREN S. SORENSON

● Mr. HELLER. Mr. President, it is my privilege to recognize LTC Daren S. Sorenson, an extraordinary American, whose heroic acts to defend his country and fellow servicemembers has earned him a second Distinguished Flying Cross, DFC. The State of Nevada and the U.S. Air Force are proud to commend Lieutenent Colonel Sorenson for all of his accomplishments.

I am grateful and humbled to honor Lieutenant Colonel Sorenson for his dedication and sacrifice to this Nation. He has been deployed seven times and served as the deputy mission commander during the first preemptive strike on the inaugural night of Operation Iraqi Freedom in 2003. During this combat operation, Lieutenant Colonel Sorenson earned his first DFC for targeting and assisting the destruction of an armored unit of the Iraqi Republican Guard. Not only has Lieutenant Colonel Sorenson been recognized for this prestigious award once, but he received his second DFC during his deployment to Afghanistan for air support in Operation Enduring Freedom.

On May 25, 2011, during an operation in Eastern Afghanistan, Lieutenant Colonel Sorenson implemented techniques and strategies learned at Nevada's Nellis Air Force Base to defend and save the lives of nearly 50 coalition members. Lieutenant Colonel Sorenson's valiant aeronautic techniques drew away opposing fire and enabled air controllers and ground forces to locate combatants and defeat the enemy. His devotion to duty in the face of perilous flying conditions is admirable and maintains the highest standards and traditions of the U.S. Air Force.

As America's oldest military aviation award, the DFC was created by Congress more than 85 years ago to award individuals for acts of heroism or achievement in aeronautics. I applaud Lieutenant Colonel Sorenson for earning this prestigious award twice during his service. His continuous acts of bravery are a testament to his commitment to the United States.

Today, we commend Lieutenant Colonel Sorenson's acts of valor and the continuous sacrifices made by all of our servicemembers to ensure the safety and security of our Nation. We owe them and their families a great deal of gratitude for their personal sacrifices. I am proud to join the citizens of Nevada in recognizing Lieutenant Colonel Sorenson's accomplishments. I ask my colleagues to join me in honoring and congratulating him for his incredible bravery on behalf of his comrades and this great nation.●

TRIBUTE TO ROBIN A. DOUTHITT

● Mr. KOHL. Mr. President, I would like to take time to recognize Robin A. Douthitt, who is stepping down as dean of the School of Human Ecology at the University of Wisconsin-Madison. I would also like to wish her a happy birthday. As a proud alumnus of UW-Madison, it is an honor to congratulate Dean Douthitt on her outstanding and exemplary service at UW over the years.

For the past 12 years, Dean Douthitt has given her unwavering commitment to students, faculty, staff, campus, the community, and the State. She began as a professor in the Consumer Science Department, was appointed interim dean of the School of Human Ecology in 1999, and was named dean in 2001. She will be leaving a legacy of courage and visionary leadership. Dean Douthitt has been called the ''People's Dean'' because she is always approachable and has touched the lives of many of her colleagues and friends.

Dean Douthitt made countless contributions to the University of Wisconsin during her service. She founded the UW Women's Faculty Mentoring Program that has led to the university's retention of female faculty and has become a model for other universities. She helped establish the Nancy Denney House, a cooperative undergraduate residence for single parents and their children. In recognition of her teaching and publishing extensive research on women's unpaid work and its social value, Dean Douthitt has been named a Vaughan Bascom Professor of Women and Philanthropy and a Vilas Associate in the Social Sciences.

Her contributions at UW do not stop there. Dean Douthitt served on the UW Athletic Board, chairing its Academic Affairs Committee, and representing UW faculty to the Big Ten. She has been honored on the School of Human Ecology's Roster of 100 Women—Wall of Honor, in recognition of her contributions to family, community, and her embodiment of the school's mission to improve the quality of human life. In addition, Dean Douthitt provided vision in leading a successful $52 million effort to renovate the School of Human Ecology's historic 1914 building and build a new addition to ensure the school's continued presence at the forefront of education, research, creative scholarship, and outreach in the 21st century.

On behalf of my constituents from the great State of Wisconsin, we say a heartfelt thank you and happy birthday to Dean Robin A. Douthitt. We wish her all the very best in her future endeavors.●

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 2:33 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 886. An act 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 enrolled bill was subsequently signed by the President pro tempore (Mr. INOUYE).

At 3:21 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5. An act 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 message also announced that pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431 note) as amended, and the order of the House of January 5, 2011, the Speaker appoints the following member on the part of the House of Representatives to the Commission on International Religious Freedom for a term effective March 23, 2012, and ending May 14, 2014: Mr. Robert P. George of Princeton, New Jersey.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 5. An act 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.

S. 2230. A bill to reduce the deficit by imposing a minimum effective tax rate for high-income taxpayers.

S. 2231. A bill to amend the Federal Credit Union Act, to advance the ability of credit unions to promote small business growth and economic development opportunities, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5441. 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; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0112)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5442. 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, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments; Amdt. No. 3465'' (RIN2120–AA65) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5443. 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, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments; Amdt. No. 3464'' (RIN2120–AA65) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5444. 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; Eurocopter Deutschland Model EC135 Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2011–0453)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5445. 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; CPAC, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–1128)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5446. 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; Mooney Aviation Company, Inc. (Mooney) Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0182)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5447. 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; Aviation Communications and Surveillance Systems (ACSS) Traffic Alert and Collision Avoidance System (TCAS) Units'' ((RIN2120–AA64) (Docket No. FAA–2010–1204)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5448. 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; Cessna Aircraft Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–1245)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5449. 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–2011–1171)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5450. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Security Considerations for Lavatory Oxygen Systems'' (RIN2120–AJ92) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5451. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class D and Class E Airspace; Hawthorne, CA'' ((RIN2120–AA66) (Docket No. FAA–2011–0610)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5452. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; South Bend, IN'' ((RIN2120–AA66) (Docket No. FAA–2011–0250)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5453. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Anchorage Regulations; Newport, RI'' ((RIN1625–AA01) (Docket No. USCG–2011–0443)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5454. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation; HITS Triathlon; Corpus Christi Bayfront, Corpus Christi, TX'' ((RIN1625–AA08) (Docket No. USCG–2011–0785)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5455. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Atlantic Intracoastal Waterway, Vicinity of Marine Corps Base, Camp Lejeune, NC'' ((RIN1625–AA00) (Docket No. USCG–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–5456. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; M/V Del Monte Live-Fire Gun Exercise, James River, Isle of Wight, Virginia'' ((RIN1625–AA00) (Docket No. USCG–2012–0010)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5457. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Mississippi River, Mile Marker 230 to Mile Marker 234, in the Vicinity of Baton Rouge, LA'' ((RIN1625–AA00) (Docket No. USCG–2011–0841)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5458. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Ice Rescue Exercise; Green Bay, Dyckesville, Wisconsin'' ((RIN1625–AA00) (Docket No. USCG–2011–1161)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5459. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Gulf Intracoastal Waterway, Mile Marker 35.2 to Mile Marker 35.5, Larose, Lafourche Parish, LA'' ((RIN1625–AA00) (Docket No. USCG–2011–1128)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5460. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Potomac and Anacostia Rivers,

Washington, D.C.'' ((RIN1625–AA87) (Docket No. USCG–2011–1165)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5461. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; 24th Annual North American International Auto Show, Detroit River, Detroit, MI'' ((RIN1625–AA87) (Docket No. USCG–2011–1157)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5462. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Moving Security Zone Around Escorted Vessels on the Lower Mississippi River Between Mile Marker 90.0 Above Head of Passes to Mile Marker 110.0 Above Head of Passes'' ((RIN1625–AA87) (Docket No. USCG–2011–1063)) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5463. 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–2011–0836)) received in the Office of the President of the Senate on March 14, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5464. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Authorization to Use Lower Than Standard Takeoff, Approach and Landing Minimums at Military and Foreign Airports; Confirmation of Effective Date of Effective Date'' ((RIN2120–AK02) (Docket No. FAA–2012–0007)) received in the Office of the President of the Senate on March 15, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5465. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Removal of Category IIIa, IIIb, and IIIc Definitions'' ((RIN2120–AK03) (Docket No. FAA–2012–0019)) received in the Office of the President of the Senate on March 14, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5466. 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; Pollock in Statistical Area 620 in the Gulf of Alaska'' (RIN0648–XB049) received during adjournment of the Senate in the Office of the President of the Senate on March 16, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5467. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Act Provisions; Fisheries off West Coast States; Biennial Specifications and Management Measures; Inseason Adjustments'' (RIN0648–BB88) received during adjournment of the Senate in the Office of the President of the Senate on March 16, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5468. 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 Catcher Vessels Using Trawl Gear in the Western Regulatory Area of the Gulf of Alaska'' (RIN0648–XB035) received during adjournment of the Senate in the Office of the President of the Senate on March 16, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5469. 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 Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic; Closure'' (RIN0648–XA990) received during adjournment of the Senate in the Office of the President of the Senate on March 16, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5470. 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; Shallow-Water Species by Amendment 80 Vessels in the Gulf of Alaska'' (RIN0648–XB044) received during adjournment of the Senate in the Office of the President of the Senate on March 16, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5471. 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 Pollock in the Bering Sea and Aleutian Islands'' (RIN0648–XB038) received during adjournment of the Senate in the Office of the President of the Senate on March 16, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5472. 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; Pollock in Statistical Area 630 in the Gulf of Alaska'' (RIN0648–XB036) received during adjournment of the Senate in the Office of the President of the Senate on March 16, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5473. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Pacific Cod by Catcher Vessels Less Than 50 Feet (15.2 Meters) Length Overall Using Hook-and-Line Gear in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XB062) received during adjournment of the Senate in the Office of the President of the Senate on March 16, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5474. 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 Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XB051) received during adjournment of the Senate in the Office of the President of the Senate on March 16, 2012; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Col. Peter R. Masciola, to be Brigadier General.

Air Force nomination of Brig. Gen. Mark A. Ediger, to be Major General.

Air Force nomination of Lt. Gen. Janet C. Wolfenbarger, to be General.

Air Force nominations beginning with Colonel Ondra L. Berry and ending with Colonel Thad L. Myers, which nominations were received by the Senate and appeared in the Congressional Record on February 16, 2012.

Air Force nominations beginning with Brigadier General Steven A. Cray and ending with Brigadier General Eric W. Vollmecke, which nominations were received by the Senate and appeared in the Congressional Record on February 16, 2012.

Air Force nominations beginning with Brigadier General David W. Allvin and ending with Brigadier General Kenneth S. Wilsbach, which nominations were received by the Senate and appeared in the Congressional Record on February 16, 2012.

Air Force nominations beginning with Colonel Steven M. Balser and ending with Colonel Sallie K. Worcester, which nominations were received by the Senate and appeared in the Congressional Record on February 29, 2012. (minus 1 nominee: Colonel Robert C. Bolton)

Air Force nomination of Lt. Gen. Clyde D. Moore II, to be Lieutenant General.

Air Force nomination of Col. Douglas D. Delozier, to be Brigadier General.

*Army nomination of Lt. Gen. Thomas P. Bostick, to be Lieutenant General.

Army nomination of Brig. Gen. Michael X. Garrett, to be Major General.

Army nominations beginning with Brigadier General Robert P. Ashley, Jr. and ending with Brigadier General Darrell K. Williams, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2012.

Army nomination of Brig. Gen. Craig A. Bugno, to be Major General.

Army nomination of Maj. Gen. David D. Halverson, to be Lieutenant General.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Matthew R. Gee and ending with Victor G. Soto, which nominations were received by the Senate and appeared in the Congressional Record on February 29, 2012.

Air Force nominations beginning with Kerry L. Lewis and ending with Lynn M. Miller, which nominations were received by the Senate and appeared in the Congressional Record on March 12, 2012.

Army nomination of Richard M. Scott, to be Lieutenant Colonel.

Army nominations beginning with Keith J. Andrews and ending with Douglas W. Weaver, which nominations were received by the Senate and appeared in the Congressional Record on February 6, 2012.

Army nominations beginning with Dwight Y. Shen and ending with Carol J. Pierce, which nominations were received by the Senate and appeared in the Congressional Record on February 16, 2012.

Army nomination of Shane T. Taylor, to be Major.

Army nominations beginning with Patricia A. Loveless and ending with Jerome M. Benavides, which nominations were received by the Senate and appeared in the Congressional Record on February 29, 2012.

Army nomination of Robert S. Taylor, to be Major.

Army nomination of Casey D. Shuff, to be Major.

Army nominations beginning with John B. Hill and ending with Stephen M. Radulski, which nominations were received by the Senate and appeared in the Congressional Record on March 12, 2012.

Marine Corps nomination of William J. Wrightington, to be Major.

Marine Corps nomination of Mark A. Mitchell, to be Lieutenant Colonel.

Marine Corps nominations beginning with Robert F. Emminger and ending with Michael G. Marchand, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Marine Corps nominations beginning with Paul H. Atterbury and ending with Donald A. Ziolkowski, which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2012.

Navy nominations beginning with Jay R. Friedman and ending with Donna Raja, which nominations were received by the Senate and appeared in the Congressional Record on February 29, 2012.

Navy nomination of Steven J. Porter, to be Lieutenant Commander.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. CRAPO (for himself, Mr. WARNER, Mr. TOOMEY, Mrs. HAGAN, Mr. CORKER, and Mr. CARPER):

S. 2223. A bill to address the implementation of certain prohibitions under the Bank Holding Company Act of 1956, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CORKER (for himself and Mr. WEBB):

S. 2224. A bill to require the President to report to Congress on issues related to Syria; to the Committee on Foreign Relations.

By Mr. FRANKEN (for himself and Mr. HARKIN):

S. 2225. A bill to amend the Farm Security and Rural Investment Act of 2002 to reauthorize and improve the Rural Energy for America program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PAUL:

S. 2226. A bill to prohibit the Administrator of the Environmental Protection Agency from awarding any grant, contract, cooperative agreement, or other financial assistance under section 103 of the Clean Air Act for any program, project, or activity carried out outside the United States, including the territories and possessions of the United States; to the Committee on Environment and Public Works.

By Mr. KERRY (for himself and Ms. LANDRIEU):

S. 2227. A bill to amend the Internal Revenue Code of 1986 to expand and simplify the credit for employee health insurance expenses of small employers; to the Committee on Finance.

By Mr. HELLER:

S. 2228. A bill to convey certain Federal land to the city of Yerington, Nevada; to the Committee on Energy and Natural Resources.

By Mr. TESTER (for himself and Mr. BAUCUS):

S. 2229. A bill to authorize the issuance of right-of-way permits for natural gas pipelines in Glacier National Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WHITEHOUSE (for himself, Mr. AKAKA, Mr. BEGICH, Mr. LEAHY, Mr. HARKIN, Mr. BLUMENTHAL, Mr. SANDERS, Mr. SCHUMER, Mr. REED, Mr. ROCKEFELLER, Mr. FRANKEN, Mrs. BOXER, Mr. DURBIN, and Mr. LEVIN):

S. 2230. A bill to reduce the deficit by imposing a minimum effective tax rate for high-income taxpayers; read the first time.

By Mr. UDALL of Colorado (for himself, Ms. SNOWE, Mr. SCHUMER, Mr. LIEBERMAN, Mr. BEGICH, Mrs. BOXER, Mr. BROWN of Ohio, Ms. COLLINS, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. INOUYE, Mr. LEAHY, Mr. LEVIN, Mr. NELSON of Florida, Mr. PAUL, Mr. REED, Mr. REID, Mr. SANDERS, Ms. STABENOW, Mr. WHITEHOUSE, and Mr. WYDEN):

S. 2231. A bill to amend the Federal Credit Union Act, to advance the ability of credit unions to promote small business growth and economic development opportunities, and for other purposes; read the first time.

By Mr. BROWN of Massachusetts (for himself and Mr. WARNER):

S. 2232. A bill to decrease the deficit by realigning, consolidating, disposing, and improving the efficiency of Federal buildings and other civilian real property, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARDIN (for himself, Mrs. BOXER, Mr. DURBIN, Mrs. GILLIBRAND, Mr. HARKIN, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. MENENDEZ, and Ms. MIKULSKI):

S.J. Res. 39. A joint resolution removing the deadline for the ratification of the equal rights amendment; 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, Mr. SCHUMER, Mrs. GILLIBRAND, and Mr. WYDEN):

S. Res. 404. A resolution recognizing the life and work of war correspondent Marie Colvin and other courageous journalists in war zones; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 405. A resolution authorizing the taking of a photograph in the Chamber of the United States Senate; considered and agreed to.

ADDITIONAL COSPONSORS

S. 25

At the request of Mrs. SHAHEEN, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 25, a bill to phase out the Federal sugar program, and for other purposes.

S. 339

At the request of Mr. BAUCUS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 339, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 418

At the request of Mr. HARKIN, the names of the Senator from Tennessee (Mr. CORKER) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 672

At the request of Mr. ROCKEFELLER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 672, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 803

At the request of Mr. MCCAIN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 803, a bill to implement a comprehensive border security plan to combat illegal immigration, drug and alien smuggling, and violent activity in the southwest border of the United States.

S. 1168

At the request of Mrs. SHAHEEN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1168, a bill to authorize a national grant program for on-the-job training.

S. 1700

At the request of Ms. KLOBUCHAR, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1700, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to device review determinations and conflicts of interest, and for other purposes.

S. 1763

At the request of Mr. AKAKA, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1763, a bill to decrease the incidence of violent crimes against Indian women, to strengthen the capacity of Indian tribes to exercise the sovereign authority of Indian tribes to respond to violent crimes committed against Indian women, and to ensure that perpetrators of violent crimes committed against Indian women are held accountable for that criminal behavior, and for other purposes.

S. 1824

At the request of Mr. TOOMEY, the name of the Senator from Illinois (Mr.

DURBIN) was added as a cosponsor of S. 1824, a bill to amend the securities laws to establish certain thresholds for shareholder registration under that Act, and for other purposes.

S. 1925

At the request of Mr. LEAHY, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1933

At the request of Mr. SCHUMER, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1933, a bill to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

S. 1935

At the request of Mrs. HAGAN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 2010

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2010, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 2137

At the request of Mrs. BOXER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2137, a bill to prohibit the issuance of a waiver for commissioning or enlistment in the Armed Forces for any individual convicted of a felony sexual offense.

S. 2159

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2159, a bill to extend the authorization of the Drug-Free Communities Support Program through fiscal year 2017.

S. 2165

At the request of Mr. ISAKSON, the name of the Senator from Georgia (Mr. CHAMBLISS) 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. 2177

At the request of Mr. LUGAR, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 2177, a bill to strengthen the North Atlantic Treaty Organization.

S. 2205

At the request of Mr. MORAN, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S. 2205, a bill to prohibit funding to negotiate a United Nations Arms Trade Treaty that restricts the Second Amendment rights of United States citizens.

S. 2215

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of 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.

S. 2219

At the request of Mr. WHITEHOUSE, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of 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.

S. 2221

At the request of Mr. THUNE, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of 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.

S. 2222

At the request of Mr. SANDERS, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 2222, a bill to require the Commodity Futures Trading Commission to take certain actions to reduce excessive speculation in energy markets.

S. RES. 380

At the request of Mr. GRAHAM, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Res. 380, a resolution to express the sense of the Senate regarding the importance of preventing the Government of Iran from acquiring nuclear weapons capability.

S. RES. 402

At the request of Mr. COONS, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of 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.

AMENDMENT NO. 1945

At the request of Mr. LEAHY, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 1945 intended to be proposed to S. 2038, an original bill 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FRANKEN (for himself and Mr. HARKIN):

S. 2225. A bill to amend the Farm Security and Rural Investment Act of 2002 to reauthorize and improve the Rural Energy for America program; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. FRANKEN. I rise to introduce the Rural Energy for America Program Reauthorization Act, along with my friend Senator HARKIN from Iowa.

Farmers and rural businesses form the backbone of this country, and rural communities are particularly crucial to Minnesota's culture and economy. In fact, in my State, one out of every five jobs is related to the agricultural economy.

We all rely on farmers for our food. It is thanks to farmers that when we go to the grocery store there is an abundance of fresh food at cheaper prices than in many other countries. While family farmers and rural businesses work hard to keep our shelves stocked, they do so under difficult conditions. Weather and disease can wipe out a crop, profit margins can be small, and fluctuating market prices for their products can be devastating to a family farmer.

Farm work is also very energy intensive, so when energy and gas prices rise, farmers have to make tough choices. High energy prices mean laying off farm workers, increasing crop prices, if they can, and squeezed budgets all around. To make matters worse, many of our government programs that help manage rising energy prices are under attack and on the budget chopping block.

REAP, or the Rural Energy for America Program, can help farmers manage the cost of energy. The bill I am introducing today will reauthorize this important farm bill program that will help farmers and rural small businesses continue to cut energy bills and generate electricity on site.

Let me go through a few examples of what REAP projects can look like. It is putting solar panels on barns. It is wind turbines in fields. There are wind turbines all over Minnesota. It is anaerobic digesters on dairy farms which actually use waste to create methane gas and electricity. It means energy efficiency improvements in poultry houses and geothermal pumps in factories. It means agricultural producers and businesses can reduce their costs and generate an additional stream of income. It means rural America can make high-tech investments, create jobs, and lead the world in producing clean energy. I know in the Presiding Officer's State of New Hampshire there is tremendous biomass and potential for energy biomass and the low carbon footprint that represents.

The Rural Energy for America Program is a modest program, but it is a wise investment that effectively leverages private funds. Since it was

created in 2002, this program has helped almost 6,000 farmers and small businesses across the Nation invest in alternative energy projects. The program has generated or saved enough energy to power about 600,000 homes a year. By providing just $192 million in grants and $165 million in loan guarantees, the program has brought in $800 million in private and State investments. Plus, the Rural Energy for America Program helps create demand for new jobs in rural economies. These are jobs in installation and operations and maintenance work—good jobs that rural America needs. It also bolsters American energy independence and fosters homegrown energy sources such as wind and solar and biomass and geothermal instead of foreign oil.

Shirley Hovda's rural wood finishing and coating business, Quality Decorating, in Roseau, MN, is one of the 6,000 that benefited from the Rural Energy for America Program over the years. Roseau, in northern Minnesota, is cold in the winter and in the fall and in the early spring. When Shirley's heating bills spiked, she decided it was time to invest in a geothermal heating and cooling system to reduce costs in her newly constructed 6,000 square foot facility.

With the help of a $7,920 grant from the Rural Energy for America Program, she was able to purchase and install the geothermal system in 2008. Over the past 5 years, Shirley has seen her energy bills reduced by 40 percent, saving thousands of dollars she has invested in more productive parts of her business.

The bill we are introducing today reauthorizes the Rural Energy for America Program to continue helping farmers and small business owners such as Shirley to make smart investments in renewable energy and energy efficiency. It makes improvements to the program too. While the program has had a fantastic impact on the country's rural economy, farmers tell me they are facing challenges accessing it. So our bill removes barriers while ensuring taxpayer dollars are spent wisely.

First, our bill simplifies the application process, making it easier for farmers and small businesses to access the program's grants and loans. The new application process matches the complexity of the application to the size of the project. That way, farmers and the USDA can avoid unnecessary and costly paperwork if the project doesn't warrant it.

Second, my bill removes a regulation that currently requires farmers to use the program's funding to install a second electric meter that currently goes unread. In these tight fiscal times, I think it is important that every taxpayer dollar is well spent, so the bill will eliminate this redundancy and remove an unnecessary burden on program participants.

Third, our bill requires the USDA to include stronger health and environmental criteria when evaluating potential projects, and it expands startup support and funds for feasibility studies so that farmers and businesses can start projects with sound planning.

We are very grateful for the strong support from the agricultural community, including the National Farmers Union, the Minnesota Farmers Union, the Environmental Law and Policy Center, the National Sustainable Agriculture Coalition, the Agriculture Energy Association, the Distributed Wind Alliance, the Minnesota Corn Growers, and the Minnesota Soybean Growers.

With the Chair's indulgence, I have about 30 seconds left. I have an inner clock. I think I am up against my 2 minutes, so I wish to say I am proud to introduce this legislation with Senator HARKIN, who is a true champion to farmers here in the Senate. Going forward, I look forward to working with all of my colleagues from both sides of the aisle to pass this reauthorization as part of the farm bill.

I see Senator JOHANNS, the former Secretary of Agriculture, on the floor, whom I hope to work with on this legislation.

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. 2225

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

SECTION 1. RURAL ENERGY FOR AMERICA PROGRAM.

Section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (C), by striking ''and'' at the end;

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following:

''(D) a nonprofit organization; and'';

(2) in subsection (c)—

(A) by striking paragraph (1) and inserting the following:

''(1) LOAN GUARANTEE AND GRANT PROGRAM.—

''(A) IN GENERAL.—In addition to any similar authority, the Secretary shall provide loan guarantees and grants to agricultural producers and rural small businesses—

''(i) to purchase renewable energy systems, including—

''(I) systems that may be used to produce and sell electricity, such as for agricultural or residential purposes; and

''(II) unique components of renewable energy systems; and

''(ii) to make energy efficiency improvements.

''(B) TIERED APPLICATION PROCESS.—

''(i) IN GENERAL.—In providing loan guarantees and grants under this subsection, the Secretary shall use a 3-tiered application process that reflects the sizes of proposed projects in accordance with this subparagraph.

''(ii) TIER 1.—The Secretary shall establish a separate application process for projects for which the cost of the activity funded under this subsection is not more than $80,000.

''(iii) TIER 2.—The Secretary shall establish a separate application process for projects for which the cost of the activity funded under this subsection is greater than $80,000 but less than $200,000.

''(iv) TIER 3.—The Secretary shall establish a separate application process for projects for which the cost of the activity funded under this subsection is equal to or greater than $200,000.

''(v) APPLICATION PROCESS.—The Secretary shall establish an application, evaluation, and oversight process that is most simplified for tier I projects and more comprehensive for each subsequent tier.'';

(B) in paragraph (2)—

(i) in subparagraph (C), by inserting ''and public health'' before ''benefits''; and

(ii) by striking paragraph (F) and inserting the following:

''(F) the natural resource conservation benefits of the renewable energy system; and'';

(C) in paragraph (3)—

(i) in subparagraph (A), by inserting ''in an amount not to exceed $100,000 per grant'' after ''in the form of grants''; and

(ii) by striking subparagraph (C);

(D) in paragraph (4)(C), by striking ''75 percent of the cost'' and inserting ''all eligible costs''; and

(E) by adding at the end the following:

''(5) REQUIREMENT.—In carrying out this section, the Secretary shall not require a second meter for on-farm residential portions of rural projects connected to the grid.'';

(3) in subsection (f)—

(A) by striking ''Not later'' and inserting the following:

''(1) IN GENERAL.—Not later''; and

(B) by adding at the end the following:

''(2) SUBSEQUENT REPORT.—Not later than 4 years after the date of enactment of this paragraph, the Secretary shall submit to Congress a report on activities carried out under this section, including the outcomes achieved by projects funded under this section.''; and

(4) in subsection (g)—

(A) in paragraph (1)(D), by striking ''for fiscal year 2012'' and inserting ''for each of fiscal years 2012 through 2017''; and

(B) in paragraph (3)—

(i) by striking ''this section $25,000,000'' and inserting ''this section—

''(A) $25,000,000'';

(ii) by striking the period at the end and inserting a ''; and''; and

(iii) by adding at the end the following:

''(B) $100,000,000 for each of fiscal years 2013 through 2017.''.

By Mr. CARDIN (for himself, Mrs. BOXER, Mr. DURBIN, Mrs. GILLIBRAND, Mr. HARKIN, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. MENENDEZ, and Ms. MIKULSKI):

S.J. Res. 39. A joint resolution removing the deadline for the ratification of the equal rights amendment, to the Committee on the Judiciary.

Mr. CARDIN. Mr. President, today I am introducing a joint resolution which would remove the deadline for the states' ratification of the equal rights amendment, ERA. I thank Senators BOXER, DURBIN, GILLIBRAND, HARKIN, LANDRIEU, LAUTENBERG, MENENDEZ, and MIKULSKI for joining me as original cosponsors.

When Congress passed the ERA in 1972, it provided that the measure had to be ratified by ¾ of the States, 38 States, within 7 years. This deadline was later extended to 10 years by a joint resolution enacted by Congress,

but ultimately only 35 out of 38 States had ratified the ERA when the deadline expired in 1982.

Congress can and should give the States another chance. In 1992, the 27th Amendment to the Constitution prohibiting immediate Congressional pay raises was ratified after 203 years. Article V of the Constitution contains no time limits for ratification of constitutional amendments, and the ERA time limit was contained in a joint resolution, not the actual text of the amendment.

The Fourteenth Amendment of the Constitution requires ''equal protection of the laws,'' and the Supreme Court has so far held that most sex or gender classifications are subject to only ''intermediate scrutiny'' when analyzing laws that may have a discriminatory impact. In 2011 Supreme Court Justice Antonin Scalia gave an interview in which he stated that ''certainly the Constitution does not require discrimination on the basis of sex. The only issue is whether it prohibits it. It doesn't.'' Ratification of the ERA by state legislatures would provide the courts with clearer guidance in holding gender or sex classifications to the ''strict scrutiny'' standard.

The ERA is a simple and straightforward constitutional amendment. It reads: ''Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.'' The amendment gives power to Congress to enforce its provisions by appropriate legislation, and the amendment would take effect two years after ratification by the States.

March is Women's History Month. And today is the 40th anniversary of passage by the Senate of the joint resolution to extend the ERA ratification timeline on March 22, 1972. Today, nearly half of the States have a version of the ERA written into their State constitution. My own State of Maryland's constitution reads that ''Equality of rights under the law shall not be abridged or denied because of sex.''

I am therefore pleased to introduce this joint resolution today, which is endorsed by a wide variety of groups, including United 4 Equality, the National Council of Women's Organizations, the National Organization for Women, and the American Association of University Women. I urge my colleagues to support this joint resolution.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 404—RECOGNIZING THE LIFE AND WORK OF WAR CORRESPONDENT MARIE COLVIN AND OTHER COURAGEOUS JOURNALISTS IN WAR ZONES

Mr. WHITEHOUSE (for himself, Mr. SCHUMER, Mrs. GILLIBRAND, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 404

Whereas The Sunday Times reporter Marie Colvin was killed during the shelling of a makeshift media center in the Baba Amr neighborhood of the besieged Syrian city of Homs on February 22, 2012, along with French photographer Rémi Ochlik;

Whereas Ms. Colvin leaves behind a beloved family where she grew up in the State of New York, was educated and began her journalistic career in the United States, and throughout her career as one of the foremost war correspondents of her generation exemplified American values of humanity, accountability, decency, transparency, and courage;

Whereas Ms. Colvin worked with relentless bravery to report on the recent uprising in Syria and to expose crimes against humanity, human-rights violations, and the ravages of war in conflict zones throughout the world, including the Balkans, the Chechen Republic, Libya, and Sri Lanka, where she was seriously wounded and lost vision in 1 eye;

Whereas Ms. Colvin shed light on human-rights violations through her courageous reporting on how these conflicts affected the lives of individuals;

Whereas the actions of Ms. Colvin in Timor-Leste are widely credited with averting a massacre;

Whereas Ms. Colvin said, ''Covering a war means going to places torn by chaos, destruction, and death, and trying to bear witness. It means trying to find the truth in a sandstorm of propaganda when armies, tribes or terrorists clash. And yes, it means taking risks, not just for yourself but often for the people who work closely with you.'';

Whereas the work of Ms. Colvin exemplifies the best qualities of journalism;

Whereas Ms. Colvin was awarded the 2000 Courage in Journalism Award from the International Women's Media Foundation for behind-the-lines action in Kosovo and the Chechen Republic, twice named Foreign Reporter of the Year at the British Press Awards, named the Journalist of the Year by the Foreign Press Association in 2000, and named Woman Journalist of the Year by the Foreign Press Association in 2010; and

Whereas Ms. Colvin and brave journalists have lost their lives serving as the conscience of the world: Now, therefore, be it

Resolved, That the Senate—

(1) extends its sympathy to the families of Ms. Colvin and other reporters who have died reporting from conflict zones;

(2) recognizes the bravery of Ms. Colvin and other correspondents and photographers who have lost their lives while exposing the truth;

(3) calls on the world community to honor the memories of Ms. Colvin and other reporters; and

(4) calls on the government of Syria to halt the brutal attacks against the people of Syria and to respect their human rights.

SENATE RESOLUTION 405—AUTHORIZING THE TAKING OF A PHOTOGRAPH IN THE CHAMBER OF THE UNITED STATES SENATE

Mr. REID of Nevada (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 405

Resolved, That paragraph 1 of rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol and Senate Office Buildings (prohibiting the taking of pictures in the Senate Chamber) be temporarily suspended for the sole and specific purpose of permitting the Senate Photographic Studio to photograph the United States Senate in actual session on Tuesday, March 27, 2012, at the hour of 2:15 p.m.

SEC. 2. The Sergeant at Arms of the Senate is authorized and directed to make the necessary arrangements therefore, which arrangements shall provide for a minimum of disruption to Senate proceedings.

NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator BARBARA MIKULSKI intend to object to proceeding to S. 1789, a bill to improve, sustain, and transform the United States Postal Service, dated March 22, 2012.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, March 29, 2012, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on current and near-term future price expectations and trends for motor gasoline and other refined petroleum fuels.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to Allison_Seyferth@energy.senate.gov.

For further information, please contact Hannah Breul at (202) 224–4756 or Allison Seyferth at (202) 224–4905.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 22, 2012. at 9:30 a.m.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 22, 2012, at 9:45 a.m., to conduct a hearing entitled ''International Harmonization of Wall Street Reform: Orderly Liquidation, Derivatives, and the Volcker Rule.''

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on March 22, 2012, at 10:15 a.m., in room SD–406 of the Dirksen Senate Office Building to conduct a hearing entitled ''Environmental Protection Agency Fiscal Year 2013 Budget Hearing.''

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate to conduct a hearing entitled ''Stay-at-Work and Back-to-Work Strategies: Lessons from the Private Sector'' on March 22, 2012, at 10:15 a.m., in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on March 22, 2012. at 2:15 p.m.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on March 22, 2012. at 2:15 p.m. in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on March 22, 2012. at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on March 22, 2012. at 10 a.m. in room 432 of the Russell Senate Office building to conduct a roundtable entitled ''A Spotlight on Small Business Investment Companies and Their Role in the Entrepreneurship Ecosystem.''

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on March 22, 2012. The Committees will meet in room 345 of the Cannon House Office Building, beginning at 10 a.m.

The PRESIDING OFFICER. Without objection it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 22, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, ND INTERNATIONAL SECURITY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on March 22, 2012, at 10 a.m., to conduct a hearing entitled, ''New Audit Finds Problems in Army Military Pay.''

The PRESIDING OFFICER. Without objection it is so ordered.

SUBCOMMITTEE ON HEALTH CARE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Health Care of the Committee on Finance be authorized to meet during the session of the Senate on March 22, 2012, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Prescription Drug Abuse: How are Medicare and Medicaid Adapting to the Challenge?''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests be authorized to meet during the session of the Senate on March 22, 2012, at 2:30 p.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Tyler Bischoff, Sam Jones, and Nicole Burda of my staff be granted floor privileges for the duration of today's proceedings.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session and the HELP Committee be discharged from any further consideration of PN1376, a list of 201 nominees in the Public Health Service; that the nominations be confirmed, 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 to the nominations; that any related statements be printed in the Record; that President Obama be immediately notified of the Senate's action.

The PRESIDING OFFICER (Mr. COONS). Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

IN THE PUBLIC HEALTH SERVICE

To be surgeon

Peter S. Airel
Leanne M. Fox
Edith R. Lederman
Suzette W. Peng
Tiffany M. Snyder
Daniel S. Vanderende

To be senior assistant surgeon

Andrew H. Baker
Eli T. Lotsu

To be dental officer

Carol J. Wong

To be senior assistant dental officer

Ann N. Truong

To be assistant dental officer

Melissa L. Aylworth

To be assistant nurse officer

Brutrinia S. Arellano
Jason J. Brown
Patricia K. Carlock
Kristen M. Cole
James A. Daugherty
Ellen I. Dieuluste
Symphosia A. Forbin
Marcus S. Foster
Rebecca Garcia
Cynda G. Hall
Dustin K. Hampton
Anastasia A. Hansen
Temika N. Hardy-Lovelock
Carita K. Holman
Ick H. Kim
Patrice M. Leflore
Stephanie K. Marion
Myrtle Massicott
Randa K. Merizian
Randoshia M. Miller
Gustavo N. Miranda
Nicole A. Mitchell
Vera C. Moses
Nathan A. Moyer
Damian P. Parnell
Bryan Smith
Juula Stutts
Linda A. Tondreau
Wayne A. Weissinger
Paul A. Wong
Katrin E. Wood

To be junior assistant nurse officer

Jessica M. Allen
Nicholas R. Bahner
Trevor A. Baird
Jason E. Bauer
Shannon D. Braune
Kendall G. Brown
Stacey L. Bruington
Kassidy L. Burchett
Andrew J. Colburn
Aida Coronado-Garcia
Marlene Corrales
John F. Ehrhart II
Sharice N. Elzey
Lindsay J. Gregory

Jeremy V. Hyde
Everard A. Irish
Marthania Jean-Baptiste
Billye R. Jimerson
Lynn C. Johnson
Jeremy J. Liesveld
Yvette E. Macklin
Bryce A. May
Matthew A. Meyers
Alexander N. Njunge
Joyce E. Ogbu
Okenzie N. Okoli
Ignatius E. Otteh
Vanessa S. Parrish
Leslie J. Poudrier
Pilar M. Prince
Gina L. Ryan
Josue S. Sanchez
Celeste M. Seger
Christopher D. Snyder
Ini B. Upke
Candice R. Wells

To be assistant engineer

Kenneth Chen
Peter Littlehat, Jr.
Lindsay Q. Quarrie

To be junior assistant engineer

Rafael Gonzalez

To be assistant scientist

Shane T. Eynon
Nelson H. Guadalupe
Madeline I. Maysonet-Gonzalez
Leah R. Miller
Sara A. Villarreal

To be assistant environmental health officer

Christopher D. Dankmeyer
Kai E. Elgethun
Michelle E. Kenney

To be junior assistant environmental health officer

Elizabeth A. Smith

To be assistant veterinary officer

Yandace K. Brown

To be assistant pharmacist

Adewale A. Adeleye
Todd D. Angle
Nabeel Babaa
Jonathan R. Boress
Mitchell W. Bowen
Kevin L. Cummings
Chaka N. Cunningham
Jordan C. Davis
Melanee M. Davis
Lindsay E. Davison
Tyler C. Dreese
Kendra N. Ellis
Gustave A. Gabrielson
Carlisha S. Gentles
Andrews A. Gentles
Monica M. Haddican
Susan E. Hagy
Shane E. Henry
Cindy C. Hong
Lindsay R. Krahmer
Benjamin N. Le
Gina L. Luginbill
Justin A. Mathew
Regina L. Miller
John P. Mistler
Vanessa R. Muller
Trami T. Nguyen
Uchechukwu A. Nwobodo
Bum-Jun Oh
Long T. Pham
Forge X. Pham
Kelly H. Pham
Joseph S. Smith
Brian C. Tieu
Ruby Tiwari
Allen R. Tran
Jayson L. Tripp
Jeffrey Vang
Jason K. Vankirk
Phuong-Anh T. Vu
Jason R. Wagner
Corinne M. Woods
Peng Zhou

To be assistant therapist

Russell J. Case
William A. Church
Andrew M. Hayes
Amanda C. McDonald
Jeffrey G. Middleton

To be assistant health services officer

Cara Alexander
Henry J. Allen
Ayana R. Anderson
Melka F. Argaw
Shenena A. Armstrong
Tyson J. Baize
Kimberly U. Blackshear
Monique M. Branch
Onieka T. Carpenter
Jeffrey M. Cox
Emily T. Crarey
Jessica L. Damon
Terri C. Davis
Ginelle O. Edmondson
Alyson B. Eisenhardt
Jason W. Engel
Laura M. Erhart
Aisha S. Faria
Juana F. Figueroa
Mia L. Foley
Israel Garcia
Michael H. Hansen
Paul D. Hoffman
Keemia S. Hurst
Margaret A. Kemp
Brian L. Lees
Travis J. Mann
Leticia M. Manning
Michelle A. Matthey
Christopher J. Meyer
Ethny Obas
Dustin J. Oxford
Victoria L. Parsons
Seraphine A. Pitt Barnes
Phillip K. Pope
Kristin M. Racz
Diyo R. Rai
Marquita D. Robinson
Alyson S. Rose-Wood
Jeffery R. Showalter
Sarah E. Swift
Devin N. Thomas

To be junior assistant health services officer

Kelly Abraham
Matthew R. Beymer
Chawntel M. Cartee
Jana L. Caylor
Louis R. Corbin
Kimisha L. Griffin
Richard W. Kreutz
Shawn M. Nickle
Carloyn L. Noyes
Raymond A. Puerini
Jezaida Rivera
Yolanda L. Rymal
Letisha S. Secret
Jerome R. Simpson II
Donnamarie A. Spencer
Jason E. Stevens
Katie R. Watson
Tracee R. Watts
Shambrekia N. Wise

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to consider the following nomination: Calendar No. 226; that the nomination be confirmed, the motion to reconsider be laid upon the table, with no intervening action or debate; that no further motions be in order to the nomination; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

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

Rear Adm. (lh) Cynthia A. Covell

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

PERMITTING USE OF CAPITOL ROTUNDA

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration H. Con. Res. 108, which was received from the House and is at the desk.

The PRESIDING OFFICER.

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (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.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 108) was agreed to.

RECOGNIZING THE LIFE AND WORK OF COURAGEOUS JOURNALISTS

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to S. Res. 404.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 404) recognizing the life and work of war correspondent Marie Colvin and other courageous journalists in war zones.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. 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 relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 404) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 404

Whereas The Sunday Times reporter Marie Colvin was killed during the shelling of a makeshift media center in the Baba Amr neighborhood of the besieged Syrian city of Homs on February 22, 2012, along with French photographer Rémi Ochlik;

Whereas Ms. Colvin leaves behind a beloved family where she grew up in the State of New York, was educated and began her journalistic career in the United States, and throughout her career as one of the foremost war correspondents of her generation exemplified American values of humanity, accountability, decency, transparency, and courage;

Whereas Ms. Colvin worked with relentless bravery to report on the recent uprising in Syria and to expose crimes against humanity, human-rights violations, and the ravages of war in conflict zones throughout the world, including the Balkans, the Chechen Republic, Libya, and Sri Lanka, where she was seriously wounded and lost vision in 1 eye;

Whereas Ms. Colvin shed light on human-rights violations through her courageous reporting on how these conflicts affected the lives of individuals;

Whereas the actions of Ms. Colvin in Timor-Leste are widely credited with averting a massacre;

Whereas Ms. Colvin said, ''Covering a war means going to places torn by chaos, destruction, and death, and trying to bear witness. It means trying to find the truth in a sandstorm of propaganda when armies, tribes or terrorists clash. And yes, it means taking risks, not just for yourself but often for the people who work closely with you.'';

Whereas the work of Ms. Colvin exemplifies the best qualities of journalism;

Whereas Ms. Colvin was awarded the 2000 Courage in Journalism Award from the International Women's Media Foundation for behind-the-lines action in Kosovo and the Chechen Republic, twice named Foreign Reporter of the Year at the British Press Awards, named the Journalist of the Year by the Foreign Press Association in 2000, and named Woman Journalist of the Year by the Foreign Press Association in 2010; and

Whereas Ms. Colvin and brave journalists have lost their lives serving as the conscience of the world: Now, therefore, be it

Resolved, That the Senate—

(1) extends its sympathy to the families of Ms. Colvin and other reporters who have died reporting from conflict zones;

(2) recognizes the bravery of Ms. Colvin and other correspondents and photographers who have lost their lives while exposing the truth;

(3) calls on the world community to honor the memories of Ms. Colvin and other reporters; and

(4) calls on the government of Syria to halt the brutal attacks against the people of Syria and to respect their human rights.

AUTHORIZING SENATE CHAMBER PHOTOGRAPH

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 405, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 405) authorizing the taking of a photograph in the Chamber of the United States Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to and that the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 405) was agreed to as follows:

S. RES. 405

Resolved, That paragraph 1 of rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol and Senate Office Buildings (prohibiting the taking of pictures in the Senate Chamber) be temporarily suspended for the sole and specific purpose of permitting the Senate Photographic Studio to photograph the United States Senate in actual session on Tuesday, March 27, 2012, at the hour of 2:15 p.m.

SEC. 2. The Sergeant at Arms of the Senate is authorized and directed to make the necessary arrangements therefore, which arrangements shall provide for a minimum of disruption to Senate proceedings.

MEASURES READ THE FIRST TIME—H.R. 5, S. 2230, AND S. 2231

Mr. REID. Mr. President, I am told there are three bills at the desk due for a first reading, and I ask unanimous consent that the clerk report all three.

The PRESIDING OFFICER. The clerk will report the bills by title for the first time.

The legislative clerk read as follows:

A 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.

A bill (S. 2230) to reduce the deficit by imposing a minimum effective tax rate for high-income taxpayers.

A bill (S. 2231) to amend the Federal Credit Union Act, to advance the ability of credit unions to promote small business growth and economic development opportunities, and for other purposes.

Mr. REID. Mr. President, I now ask for a second reading on each of the three bills but object to my own request.

The PRESIDING OFFICER. Objection is heard. The bills will be read for the second time on the next legislative day.

APPOINTMENT

The PRESIDING OFFICER. The chair, on behalf of the President pro tempore, upon the recommendation of the Republican leader, pursuant to Public Law 105–292, as amended by Public Law 106–55, Public Law 107–228, and Public Law 112–75, appoints the following individual to the United States Commission on International Religious Freedom: Dr. M. Zuhdi Jasser of Arizona, Vice Richard D. Land.

AUTHORITY FOR RECORD TO REMAIN OPEN

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate, the RECORD remain open until 7:15 p.m. this evening for the submission of written colloquies.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, MARCH 26, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until Monday, March 26, at 2 p.m.; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and 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 until 4:30 p.m., with Senators permitted to speak therein for up to 10 minutes each; that following morning business the Senate resume consideration of the motion to proceed to Calendar No. 337, S. 2204, the Repeal Big Oil Tax Subsidies Act, with the time until 5:30 p.m. equally divided and controlled between the two leaders or designees; further, that the cloture vote on the motion to proceed to S. 2204 be at 5:30 p.m. on Monday, and that if cloture is not invoked, there be 2 minutes of debate, equally divided in the usual form, prior to the cloture vote on the motion to proceed to S. 1789.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, there will be up to two rollcall votes on Monday at about 5:30. The first vote will be a cloture vote on the motion to proceed to S. 2204. If cloture is not invoked, there will be a second cloture vote on the motion to proceed to S. 1789, the postal reform bill.

ADJOURNMENT UNTIL MONDAY, MARCH 26, 2012, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask that it adjourn under the previous order.

There being no objection, the Senate, at 6:28 p.m., adjourned until Monday, March 26, 2012, at 2 p.m.

DISCHARGED NOMINATIONS

The Senate Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following nominations by unanimous consent and the nominations were confirmed:

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING WITH PETER S. AIREL AND ENDING WITH SHAMBREKIA N. WISE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 13, 2012.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 22, 2012:

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

REAR ADM. (LH) CYNTHIA A. COVELL

THE JUDICIARY

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.

RUDOLPH CONTRERAS, OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA.

PUBLIC HEALTH SERVICE

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING WITH PETER S. AIREL AND ENDING WITH SHAMBREKIA N. WISE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 13, 2012.

EXTENSIONS OF REMARKS

PROTECTING ACCESS TO HEALTHCARE ACT

SPEECH OF

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

The House in Committee of the Whole House on the state of the Union 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:

Mr. COURTNEY. Mr. Chair, since 1965, Medicare has provided seniors guaranteed health benefits and today, close to 50 million Americans who have paid into the system now rely on the program for care. While the program's sustainability is stronger than in recent past, this Congress, like those before it, has an obligation to ensure sustainability of the program for current enrollees and future beneficiaries. The Independent Payment Advisory Board, IPAB, was created with this objective in mind. However, despite best intentions, I believe that IPAB is the wrong approach to achieve this shared goal.

Relinquishing control of Medicare provider reimbursements to an unelected IPAB is problematic to me for a number of reasons. Congress has helped shape a Medicare system that reflects unique care needs of varying demographics as well as differences between regions and states. Further, this system has been developed with transparency and accountability in congressional debates. Implementing IPAB would limit the strengths of the current system, and would continue a trend of ceding congressional authority to the Executive branch. This is, in part, why I cosponsored the Medicare Decisions Accountability Act, H.R. 452, legislation to repeal IPAB.

The fact is that the Affordable Care Act will contain spending growth in the Medicare program—independent of proposed IPAB reforms—through integrated and coordinated care models and modest reimbursement changes. The Congressional Budget Office, CBO, estimates that the law will slow annual Medicare growth from seven to four percent over the next decade. And, over the past year, the S&P has measured the lowest rate of growth in the history of Medicare—below three percent.

Today, the House considered legislation to repeal IPAB, a goal that I support. Unfortunately, a calculated choice to polarize the vote by incorporating the HEALTH Act (H.R. 5)—an unrelated and divisive bill—emphasizes the cynical gamesmanship of Republican leadership who clearly are not interested in forging a partisan coalition to repeal IPAB. The HEALTH Act, in part, limits intentional torts or cases where harm is deliberate. A recent case in Connecticut, which involved victims of sexual assault, underscores the harm in these restrictions. Under H.R. 5, these victims would be denied their day in court.

Over the next ten years, Medicare will cost between $8 trillion and $9 trillion and there are a whole host of offsets which would easily counter the costs of IPAB repeal without injecting scorched earth partisan politics. For example, MedPAC has recommended rescinding duplicative bonus payments to private insurance providers that administer Medicare Advantage plans, which have historically been overpaid by 14 percent. At the very least, this option provides a more tempered approach to offset H.R. 452 and build an honest consensus on repealing IPAB.

Despite my long-standing support for the repeal of IPAB, I cannot support H.R. 5 as presented to the House today. It is my sincere hope that this chamber can debate the repeal of IPAB through a more measured, balanced, and reasonable approach in the future.

ON THE OCCASION OF THE RETIREMENT OF ROBERT GRACELY FROM GENISYS CREDIT UNION AFTER YEARS OF FINANCIAL SERVICE TO THE COMMUNITY

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. PETERS. Mr. Speaker, I rise today to recognize Mr. Robert Gracely on the occasion of his retirement from Genisys Credit Union after more than three decades of dedicated and passionate service to its members and the greater Southeast Michigan community. A member of Genisys since October 1967, his work has been significantly focused on Genisys' role as a steward of the Southeast Michigan community.

Within the varied positions he has served during his time with Genisys Credit Union, Mr. Gracely has been a passionate advocate of its mission as a not-for-profit, member-owned financial institution that has been committed to helping its members since its formation in 1936. Based out of Auburn Hills, Michigan, Genisys is one of the largest credit unions in Michigan and one of the strongest in the country with over $1.4 billion in assets. Genisys and its members are deeply involved in altruistic work which supports local charities, organizations and events that enrich the lives of many throughout Michigan. These endeavors have earned Genisys and its members not only considerable praise but numerous awards for their commitment to community service and volunteerism.

Throughout his tenure with Genisys, Mr. Gracely's colleagues have routinely praised his exceptional talent for recognizing client needs and recommending the right services. With his focus on building community partnerships, Mr. Gracely has leveraged his leadership within Genisys Credit Union to partner with and support local businesses, which has cultivated a vibrant small business community. Furthermore, Mr. Gracely has been praised for his ability to work within a team, to work with his staff and to identify issues and find innovative solutions. His strong command of financial issues, dedication to high quality customer service, and focus made him an invaluable asset. Genisys continues to develop its partnerships within the community and could not have been done without the help of Mr. Gracely.

Mr. Speaker, as a leader within Genisys Credit Union Mr. Gracely has done so much to guide it and its members in their philanthropic activities within the communities that Genisys serves. Like so many of his colleagues in senior leadership positions at Genisys, he has worked tirelessly to provide the credit union's members with quality customer service and financial advising. His spirit of collegiality, dedication to his employees and the greater community, and his creativity will be sorely missed. I wish Mr. Gracely many happy years in retirement and I know he will continue to be involved in volunteer efforts here in Southeast Michigan for years to come.

HONORING BLAKE HUDDLESTON

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 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.

Blake Huddleston is a senior at Pasadena Memorial High School in Harris County, Texas. His essay topic is: In your opinion, what role should government play in our lives?

The American form of Democracy is built upon the principle that every man has the right to have his voice heard, yet today many Americans revoke this right. Neither Congress nor the President can adequately govern such a vast land and people as the United States without participation in government, which has been declining in recent years due to an increase in American apathy.

Adequate governance does not require petitions, marches, or protest; simply voting for issues and candidates is enough to ensure that the American voice is heard in the white halls of the Capital. But in order to create a sense of honor in participating in our centuries old processes, both those who are in positions of power and those who seek office must offer their constituents something worth speaking for.

In times of discord and partisanship the American people become disillusioned with

what is perhaps the greatest Democracy to ever exist. By compromising, by understanding not only their own personal beliefs, but the beliefs of those opposed to them, congressmen and presidents inspire the people they represent to become involved in the American process because their electors believe that the system does work; that the system can solve serious problems without mindless bickering over irrelevant issues. There exist a social bond between electors and the elected in America: when the elected rise above politics and become statesmen, Americans will rise as well. When the elected fall, so too does the will of Americans to participate.

CONGRATULATING THE MY POSSIBILITIES HIPSTORE: OPEN FOR BUSINESS

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. SAM JOHNSON of Texas. Mr. Speaker, I am glad to recognize the great staff, board of directors, and Hugely Important People—or HIPsters—of My Possibilities in Plano, Texas as they celebrate the organization's newest venture, the HIPstore.

My Possibilities is a non-profit organization that provides daytime, year-round vocational training and other programs for adults with special needs. The first organization of its kind in Collin County, My Possibilities opened its doors in June of 2008 when caring moms joined forces to create a safe, social atmosphere for young adults who had ''aged out'' of secondary education. Today, ten full-time staff members serve 125 HIPsters each week.

Inspired by the My Possibilities motto, staff and HIPsters alike work hard to ''Make every day count.'' The new HIPstore provides a great enterprise opportunity to do just that.

The store is a 3,000 square-foot facility that features gift items like candles, jewelry, and artwork all handmade by HIPsters. The HIPsters not only learn creative skills, put them into practice, and watch their handiwork make a profit, but learn the ins and outs of operating a retail outlet. For instance, they help to stock the shelves, monitor inventory, interact with customers, and operate the cash register.

To the folks whose hard work and forward thinking have made the HIPstore possible:

Thank you for your efforts. It is my pleasure to join you in celebrating this exciting new chapter of My Possibilities' service to the North Texas community. I'm glad to help announce that the HIPstore is ''open for business!''

RECOGNITION OF IDA MAE BYRD

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Ms. Ida Mae Byrd. A native of Waycross, Georgia, Ms. Byrd has enjoyed a very active life looking after her family and her community. We celebrate your 100th birthday.

Ms. Byrd was born to Maebelle and Jack Smith in Waycross, Georgia, on March 13, 1912. She is the third of six children. At the young age of 16, Ms. Byrd was looking for more opportunities so she moved to Brooklyn, New York. Once in New York City, Ms. Byrd worked diligently to bring her immediate family with her.

At the age of 19, Ms. Byrd married Wily Byrd, forming a strong union that produced five children. The family was a close knit group held together by her strict control and discipline. She set an example for her siblings on how to properly raise children—supporting a strict environment with a loving and warm personality.

In her younger days, Ms. Byrd loved to dance and one of her favorite places to dance was the Savoy Manor in the Bronx. Along with dancing, Ms. Byrd enjoyed her occasional Miller High Life beer and her beloved New York Mets. As an avid fan, she was rewarded with two World Series championships. Through the years she was an active member of Pilgrim Baptist Church under the leadership of Bishop Roy E. Brown. Ms. Byrd enjoyed these church events most with her family who attempted to make every moment a memorable one.

Ms. Byrd has lived through an incredible century that has witnessed two World Wars, the Jim Crow South, the invention of the television and the computer, and the Civil Rights movement. She has also lived to see apartheid end in South Africa and the election of the first African American President of the United States.

Mr. Speaker, I urge my colleagues to join me in paying tribute to Ms. Ida Mae Byrd on the celebration of her 100th birthday.

IN RECOGNITION OF THE 10TH ANNIVERSARY OF THE FLORA-BAMA AND GULF COAST RESIDENTS SUPPORT OF NEW YORK CITY AND HARLEM AFTER SEPTEMBER 11, 2001

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. RANGEL. Mr. Speaker, I rise today in recognition of the 10th Anniversary of the Flora-Bama and Gulf Coast support of New York City and Harlem after September 11, 2001.

In 2002, Joe Gilchrist, owner of the Flora-Bama Lounge in Pensacola, Florida brought to New York a group of more than 100 visitors, including musicians and songwriters, to pay respect to the ground zero site and support New York. Gilchrist also encouraged the group to spend money to help uplift New York City's economy and provide moral and spiritual support to the victim's families. The group also toured New York City fire houses, the Empire State Building and Central Park. The visit culminated in a great celebration at the Waldorf Astoria, which included performances by Chuck Jackson, and other musicians and singers who participated in the Frank Brown International Songwriters Festival.

On Saturday February 4, the Harlem community, along with Joe Gilchrist and the Frank Brown Songwriters Festival celebrated the 10th Anniversary of the Flora-Bama and Gulf Coast historic visit to New York. Musicians, songwriters, business leaders and residents from the Flora-Bama and Gulf Coast toured the 911 Memorial site and performed in lower Manhattan and in Harlem. This Cultural Exchange was promoted with the theme of, ''Merging Manhattan Music with Southern Sounds.'' Kicking off the diverse musical tribute were original songs by ''Lil Man,'' an eight year old ''Hip Hop'' artist who writes his own songs; stellar performances by Michael Jackson impersonator, Jesse Valenca; and Urica Rose, an electrifying singer and songwriter, representing the ''New Generation of Rock'' performers.

The group attended Open House events at the world famous Apollo Theater, including performances by Ballet Hispanico, the Dance Theatre of Harlem, Amateur Night winners and was given a tour by Apollo historian Billy Mitchell. The group joined Commander E. Randy Dupree at Harlem's historic Colonel Charles Young American Legion Post 398, where Flora-Bama musicians joined Hammond B3 Organist and Jazz legend Seleno Clark, Percussionist Don Eaton and the Harlem Groove Band for a jam session to commemorate the 10th Anniversary of their visit to New York City.

As Dean of the New York Congressional Delegation, I want to extend my thanks to Joe Gilchrist and the Frank Brown Songwriters Festival for their outstanding economic, moral and spiritual support to Harlem and the great State of New York.

PROTECTING ACCESS TO HEALTHCARE ACT

SPEECH OF

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

The House in Committee of the Whole House on the state of the Union 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:

Mr. CROWLEY. Mr. Chair, today, the House is considering legislation that would repeal the Independent Payment Advisory Board, or IPAB. To be clear, I am not a big fan of IPAB—I had concerns with this new entity when it was first being discussed, and I remain concerned with it today.

I do find it interesting, however, that my colleagues on the other side of the aisle are suddenly so troubled about IPAB's effect on Medicare, when their plan to end Medicare is so much worse.

I fear that today's floor action is less about a real concern for seniors, hospitals and physicians in the Medicare program, and more about trying to win a battle in the war against health insurance reform.

They have shown with their words and their actions, even down to their choice of offsets, that this yet another political exercise.

But that is a game that I refuse to play. Our seniors deserve real answers and real solutions, not yet another repeal-but-not-replace attempt.

So even though I don't think that IPAB is the best answer to strengthening Medicare, I can't in good conscience vote for this bill, at

this time, with this kind of clear and blatant political agenda at the core of this debate.

What we need is a real, substantive discussion about solutions to keep Medicare costs, and medical malpractice costs as well, under control for the long term. But with today's floor action, these needed discussions are too likely to get lost in a sea of shouting.

And that's not what we need right now.

If my colleagues on the other side of the aisle want to work with us to address the concerns that many of us have with IPAB, to make changes, then I'm willing to meet them halfway.

But if they want to blame the Affordable Care Act for everything wrong in the world, even when it has controlled costs so well that IPAB won't even come into play for years to come, and even when it has given millions of American families control back over their health care, I can't join them in these political attacks.

So I have to oppose passage of this bill today.

HONORING THE LIFE OF HIS HOLINESS POPE SHENOUDA III

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Ms. KAPTUR. Mr. Speaker, this month, the world laid to rest a holy and wise spiritual leader, His Holiness Pope Shenouda III, the 117th Pope of Alexandria and the Patriarch of All Africa on the Holy Apostolic Seat of Saint Mark the Evangelist of the Coptic Orthodox Church of Alexandria and head of The Holy Synod of the Coptic Orthodox Patriarchate of Alexandria, who passed from this life on March 17, 2012.

His Holiness Pope Shenouda III presided more than 40 years over a worldwide expansion of the Coptic Orthodox Church. During his papacy, he appointed the first-ever bishops to preside over North American dioceses. When His Holiness became pope in 1971, there were only four churches in North America. Today there are over 100.

Pope Shenouda III was well known for his deep commitment to ecumenism and interfaith dialogue. He believed that Christian unity was a matter of faith rather than of jurisdiction. In 1973, Pope Shenouda III became the first Coptic Orthodox Pope of Alexandria to meet the Roman Catholic Pope in over 1500 years. In this visit, Pope Shenouda III and Pope Paul VI signed a common declaration on the issue of Christology and agreed to further discussions on Christian unity. He led dialogues with various Protestant churches as well as Islamic clerics and Muslim leaders worldwide.

In an address he gave at an ecumenical forum during the International Week of Prayer in 1974, he declared, "The whole Christian world is anxious to see the church unite. Christian people, being fed up with divisions, are pushing their church leaders to do something about church unity and I am sure that the Holy Spirit is inspiring us."

A biographer aptly described Pope Shenouda III as "A distinguished and prominent religious leader, a profound theologian, a gifted preacher, a talented author, a spiritual father, a man of God his entire life. He devoted his writings, teachings and actions to spread and propagate for the rules of understanding, peace, dialogue and forgiveness."

I had the unforgettable honor of meeting Pope Shenouda III as our local Coptic Christian Church in Northern Ohio was being constructed. He was a man of immense faith, great humanity, and deep intellect. When I asked him about future unity among various faith confessions, I will never forget his steady, strong countenance as he advised me "that would take love." He was a very profound man.

President Obama called Pope Shenouda III "a beloved leader of Egypt's Coptic Christians and an advocate for tolerance and religious dialogue," and said he will be remembered "as a man of deep faith, a leader of a great faith, and an advocate for unity and reconciliation." The faith community around the world and people of good will everywhere joins the Coptic Orthodox Church in mourning the passing of Pope Shenouda III from this life. We extend our sympathy to church members worldwide and in our own community. His contributions to world understanding and bridging horizons yet unmet will flower in decades hence. May God bless his soul and allow his unfinished work to progress in his memory.

[From The New York Times, Mar. 20, 2012]

THOUSANDS MOURN COPTIC POPE IN CAIRO

(By Kareem Fahim)

CAIRO—In front of a tearful crowd of thousands including members of Egypt's emerging political class, a funeral service was held on Tuesday for Pope Shenouda III, the popular and charismatic leader of the Coptic Orthodox Church, who died on Saturday.

The pope's body lay in an open white casket through the emotional two-hour ceremony in St. Mark's Cathedral, where he was remembered as a "wise captain" who built bridges to Muslims and other Christian denominations and who strengthened the identity of the church, especially among its younger members. Hundreds more people stood outside the cathedral, unable to gain entry to the invitation-only service.

The scene turned to pandemonium later in the day when thousands of people mobbed a van carrying the pope's body to his burial site, in a monastery in northern Egypt. Red-faced military policemen wrestled with mourners carrying the pope's portrait who were straining for a last glimpse of him through the dark windows of the white van.

The flood of grief for the only pope many Egyptian Copts had ever known—he was enthroned in 1971—underscored feelings of unease that many Christians have felt in the ongoing tumult of Egypt's political transition. Roughly 1 in 10 Egyptians belong to the Coptic Orthodox Church, which was founded in the first century and was the majority religion here before the coming of Islam. In recent years, long-held complaints about anti-Coptic discrimination have been replaced by deeper fears that Islamist parties will further marginalize the Christian population as they try to refashion Egypt into a more observant Muslim state.

For most of his four decades as patriarch, Pope Shenouda managed a delicate balancing act, strongly supporting President Hosni Mubarak in exchange for a measure of protection as the pope strengthened the church's power and reach. He was broadly popular among Egyptians, and was especially well-known for his wit. He was also seen as rigid defender of a conservative church, and some Copts faulted him for resisting reform.

Criticism of Pope Shenouda's relationship with Mr. Mubarak became more pronounced after the popular uprising against Mr. Mubarak's rule took hold in January 2011, with attacks on churches and Coptic protesters, by hardline Islamists and the government's troops following behind. Since the pope's death, though, that criticism has been laced with sadness.

"I don't disagree that he interfered with politics," said Mina Samy, a 30-year old physician outside St. Mark's on Tuesday. "But when he spoke, he did it for Egypt's best interest, not for his personal interests, like others do.

"I'm hoping for another copy of him," he said. "Nothing is too much for God. He was a great scholar, and he led the church through major crisis. He left us at a time when Egypt needed him."

HONORING BILL KEFFLER OF RICHARDSON, TEXAS FOR 35 YEARS OF OUTSTANDING PUBLIC SERVICE

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. SAM JOHNSON of Texas. Mr. Speaker, with great appreciation for his selfless public service, I rise to recognize before the U.S. House of Representatives Bill Keffler of Richardson, Texas on the occasion of his retirement.

Bill's résumé of accomplishments closely matches that of the City of Richardson itself. During his 35-year career with the City, 17 as city manager, he has played an integral role in bringing first-rate transportation entities, higher education institutions, healthcare providers, and corporations to Richardson. Under his watch, the City has also received countless awards for its responsible, transparent, and innovative administration.

Those of us who have been fortunate enough to work with Bill know him as a true leader not just in Richardson, but in the entire North Texas region. A current member of the Board of Directors and Executive Committee for the North Texas Commission, Bill is also the immediate past-president of the Texas City Manager's Association and an advisory board member for Methodist Richardson Medical Center, Leadership Richardson, and the University of Texas at Dallas Development Office, to name a few.

Bill, a mix of Irish Green and Raider Red, kicked off his stellar career back in 1977 having already obtained a bachelor's degree in government at Notre Dame and a master's degree in public administration at Texas Tech University. He and his wife, Chrissie, raised five great kids in Richardson. Bill's family and friendliness are considered staples in the community—as are his famous striped ties.

To Bill, thank you for all you've done to build Richardson into the city it is today. It is a pleasure to know you, and I wish you the very best in the years to come. God bless you, and I salute you.

VOTE ON THE SENATE TRANSPORTATION BILL

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of the motion to move the previous question to allow for debate and a vote on the Senate transportation bill.

With millions of Americans still unemployed through no fault of their own, what is the House considering today? In the Budget Committee, we are discussing a budget that slashes targeted investments in transportation, scientific research, and education to give additional tax breaks to the wealthiest Americans. The proposed budget also dismantles the Medicare guarantee, transferring rising costs of care to seniors. And on the House floor, we have another attempt to repeal parts of the Affordable Care Act, this time targeting a provision in the law that would address real, systemic health care costs. This is not an agenda that creates jobs or grows our economy.

Instead, we should bring forward the Senate transportation bill that received an overwhelming bipartisan vote of 74–22 last week. This bill would invest in critical infrastructure projects, supporting over 1.8 million jobs nationwide and over 28,000 in my home state of Maryland. It would help revive the construction industry, which continues to face 17.1 percent unemployment. And it would make our Nation's transportation system safer and more efficient.

Mr. Speaker, we must focus our agenda on improving the economy and putting Americans back to work. We have a bipartisan solution to do just that—let's bring it to the Floor.

SENSELESS ACTS OF VIOLENCE

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mrs. CHRISTENSEN. Mr. Speaker, yesterday we laid to rest a young man, Deniel Brow who was killed after he turned away from an argument—shot as he began to walk away.

Every time our children are out, not only in the Virgin Islands but across the country, and certainly as we now see in Florida, we worry that they will be injured or killed in some senseless act of violence.

In the case of young Traynor Martin, he was not killed because of an argument with a peer which would have been bad enough, it appears he was pursued by an adult, allegedly, a self appointed overly aggressive neighborhood watch person who seemed to be just looking for trouble, and who even after being told by dispatchers to leave the boy alone pursued him and in the midst of his pleas for help heard on the 911 tape, shoots and kills him.

I am glad the Justice Department has begun its investigation and I thank our colleague CORRINE BROWN for getting involved and being the strong advocate she is on behalf of the grieving Martin family and his community.

But you know the blame for this incident goes beyond the shooter. All who have engaged in violent rhetoric against racial and ethnic minorities, who have been contributing to the poisonous environment in which we now find ourselves in this country and who have been encouraging this kind of vigilante activity are also responsible for young Traynor's death and his family's loss.

I hope this incident will be a wake-up call and have us come to our senses and sense of fairness, justice and community—the kind of community that looks out for and takes care of its children, not kills them or fosters an atmosphere where this kind of action is encouraged.

IN RECOGNITION OF THE 50TH ANNIVERSARY OF SAN JACINTO COLLEGE AND GULF COAST PASS GRANT

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to recognize the contributions of San Jacinto College, a Hispanic-Serving Institution and community college located in our district which is celebrating its 50th anniversary this year.

The mission of San Jacinto College is to deliver accessible, affordable, high-quality post-secondary education programs designed to meet the needs of the residents of Harris County.

The primary focus of the College is helping students to achieve their personal and professional goals, create seamless transitions among educational levels, and to prepare students to enter the job market or transfer to senior institutions. Through its programs and services, and partnerships with industry, the College supports the economic growth of the community and the region.

San Jacinto College recently received a grant that will fund collaborative programs with local secondary school districts focused on increasing college readiness and completion of community college developmental education courses. The grant, provided through the Community College Leadership Program at the University of Texas at Austin, was made possible by The Houston Endowment.

The $1.2 million, three year grant, known as the Gulf Coast Partners Achieving Students Success, or Gulf Coast PASS, will help San Jacinto College and its partners, Pasadena and Sheldon Independent School Districts, ISDs, expand existing projects and implement new partnerships. Special focus will aim to increase college readiness and completion of community college development education courses where necessary.

With the help of these funds, San Jacinto College is partnering with local ISDs to start up two early college high schools, one with Pasadena ISD and another with Sheldon ISD. The Sheldon ISD Early College High School will open in Fall 2012.

The Texas Education Administration states that early college high schools must provide access to under-represented populations, lower socio-economic students, and first-in-college students to provide a pathway for higher education attainment for these students who would be less likely to pursue higher education.

Our nation must do more to close the gaps between secondary and post-secondary education in the areas of academic experiences, expectations, and curriculum. San Jacinto College is committed to bridging these gaps by facilitating communication and collaboration between high school and college faculty to identify these gaps locally.

In order for our students to make the successful transition from high school to some kind of post-secondary experience, the College and our school districts must intentionally design programs that address those gaps. We must commit to creating multiple pathways to student success and completion of post-secondary credentials.

I am proud to rise to commend the work of San Jacinto College, which provides a model of excellence in higher education for the people of Harris County and the nation.

PROTECTING ACCESS TO HEALTHCARE ACT

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

The House in Committee of the Whole House on the state of the Union 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:

Mr. DINGELL. Mr. Chair, the people have sent us up here to legislate and pass laws that will benefit and protect the American public and move our country forward. It is more than disheartening, it is shameful that once again we find ourselves here today wasting time to vote on a piece of partisan, Republican legislation that has no hope of moving beyond this chamber. H.R. 5 does nothing to benefit the American people, nor does this Act do anything to protect access to healthcare as its name declares.

Even worse, this misguided legislation is being considered during the same week we are celebrating the second anniversary of the Affordable Care Act (ACA). I am unbelievably proud of that fact that the bill I authored has guaranteed that 105 million Americans no longer face lifetime limits on their insurance, 2 million young adults are now insured under their parents' plans, and seniors no longer find themselves lost in the ''coverage gap'' and lacking access to prescription drugs. With all of these tangible, quantifiable benefits, why are my colleagues on the other side of the aisle spending their time attempting to dismantle a law that is already being implemented? Why do they spend their time trying to chip away at it piece by piece when they could be working on legislation that would benefit their constituents? Working to repeal the Independent Payment Advisory Board (IPAB) and not even bothering to come up with any sort of replacement seems dubious and makes no sense to me. But then again, I am just a poor, Polish lawyer from Detroit.

Not only are my Republican friends attempting to repeal IPAB, they have added it to their medical malpractice legislation, H.R. 5, which contains provisions that they have brought time and again to this floor, failing every time. Each time they resurrect the same language.

In doing so, they do not demonstrate genuine interest in legislating on behalf of the American people. The Republicans know the Senate will not vote for such a bill. Nor will I. I will not approve a bill that caps non-economic medical malpractice damages at $250,000. Apparently, this is the price the Republicans put on a lifetime of physical impairment, pain, suffering and even wrongful death.

I know our medical malpractice system needs improvement. If only my Republican friends would come to me with a third way, a new fair and workable way, to approach this problem. I would be more than happy to work with them on a bipartisan basis, which this Congress so desperately needs right now.

But, until that time, I am forced to vote against this piece of legislation. I will not approve of a bill that rehashes the same old medical malpractice language. I will not vote for a bill that attempts to wear down bits of the Affordable Care Act. If they had their way, the Republicans would repeal the entire ACA, and take away insurance from over 30 million Americans. Instead, we are busy granting insurance coverage to 17 million children with pre-existing conditions.

PERSONAL EXPLANATION

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. MARCHANT. Mr. Speaker, due to the sudden passing away of my father, I was unable to participate in House floor votes on March 22, 2012.

THE CURRENT SITUATION IN AFGHANISTAN

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. HONDA. Mr. Speaker, tragic events in the last few weeks in Afghanistan have underscored the messages I have continuously emphasized in Congress in the past. As long as we pursue military solutions to the unrest in Afghanistan while foregoing attention to economic, political and social solutions, security will remain elusive. Our military service officers are heroes, but we are failing them as we continue to pursue a strategy that lacks proper understanding of both the social constructs of the Afghan people and the meaning of peace.

It is our duty as Americans to give the people of Afghanistan what they want, not what we want to give them. Afghan citizens want peace, they want security and they want the right to self-determination based on their own social, cultural, and religious values. Afghans do not want to be at the constant risk of night raids and air strikes that could kill their friends and neighbors, checkpoints and security barriers that keep their families apart, or incidences of violence which sometimes involve International Security Assistance Force (ISAF) troops and contract security forces. And they certainly do not want foreigners burning the Holy Quran, which all Muslims hold as dear as life, or have their very own safety compromised by foreign forces who should be there to protect them.

As members of the United States government, we also owe the American people what they want, and not what we want to give them. In this regard, we are failing our own people as they face the difficulties brought on by the global economic crisis while lives, money and resources are being wasted abroad in an effort which has, sadly, led to resentment and the incitement of hatred against America.

Last week, the Department of Defense Comptroller confirmed one of our worst kept secrets—that the deployment of one soldier to Afghanistan for one year costs $850,000. We currently have 90,000 soldiers deployed in Afghanistan. Additionally, we have 1,142 U.S. civilians from the State Department and other non-defense agencies currently in Afghanistan, and each civilian costs taxpayers $570,000 per year, according to the most recent estimate from the Special Inspector General for Afghanistan Reconstruction. Furthermore, in 2011, our taxpayers spent $11.2 billion to pay, train and equip Afghanistan's security force. Over the past ten years the U.S. has spent more than $550 billion in Afghanistan alone, or about $1 billion per week.

A new Washington Post poll finds that sixty percent of American voters feel that the war was not worth fighting. It also finds that, for the first time, Republican voters are ''evenly split'' on the wisdom of continuing this war. This is what America wants, and it is our duty to respect that.

Last year, as co-chairman of the Congressional Progressive Caucus's Peace and Security Taskforce, I urged President Obama to bring about the swift, safe and responsible withdrawal of U.S. troops and military contractors from Afghanistan. We asked for plans for a significant drawdown, beginning no later than July of this year.

We welcome the news that Congress's calls to the White House have finally been heard. On February 1, 2012, Defense Secretary Leon Panetta said that while American troops will still leave Afghanistan by the end of 2014, plans were laid out so that by late next year, U.S. and NATO troops in Afghanistan will switch from a combat role to a training mission. The Administration may further want to take heed of the same Washington Post poll which revealed that fifty-four percent of all voters want the U.S. to withdraw troops even faster than the President's 2014 timetable.

As we look forward to our future role as global leaders of peace and security, we must not forget our past and present mistakes. Our international affairs priorities must be anchored in the recognition that our national security is inextricably linked to our economic vitality. We cannot fight for global security but ignore the economic security of the people of America. We need a budget that reflects the fact that diplomacy and development prevents wars, because smart security can lead to global stability at a fraction of the cost, freeing up funds to engage in nation building here at home. As we look forward to the question of how to handle future matters in the Middle East, these are the priorities that we simply cannot afford to forget.

Mr. Speaker, Peace and Security are created through a well-functioning government, a fair and prosperous economy, and a harmonious society. We have failed the Afghan people on each and every one of these fronts, and in so doing, we, we have also failed ourselves and our constituents. As we reflect on the recent military tragedies in Afghanistan, we must ask ourselves how many more apologies we can afford to offer.

IN RECOGNITION OF THE TOWNSQUAREBUZZ FOUNDATION AND PARTNERS: HONORING THOSE WHO SERVE

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. SAM JOHNSON of Texas. Mr. Speaker, I am proud to recognize the TownSquareBuzz Foundation and the City of McKinney, Texas, as they join forces to declare Red Shirt Fridays in McKinney.

The Foundation's ''Paint McKinney Red!'' campaign was launched last year to raise awareness about the unique challenges veterans face when they return from war.

To date, TownSquareBuzz has printed 500 red t-shirts that are being sold by 10 local partner businesses. The shirts remind us, ''Honor Those Who Serve: Past, Present, Future,'' and all sale proceeds go directly to the local Community Lifeline Center in McKinney.

The Lifeline Center's great operation serves folks in need in 17 cities across Collin County. Its veterans-support initiative, funded in part by a grant from the Texas Veterans Commission, helps local veterans and their families with housing, utilities, medical and dental treatment, transportation, counseling, and job training, to name a few.

Inspired by the nationwide Red Shirt Fridays project, the local efforts of TownSquareBuzz and the City of McKinney will provide direct assistance to our friends, family members, and neighbors who are the returning heroes of today's military campaigns.

These brave men and women put their lives on the line to keep America strong, proud, and free. Through partnerships like Red Shirt Fridays, the North Texas community is reminded of the privilege and duty we bear to honor, thank, and give back.

To the TownSquareBuzz Foundation, City of McKinney, Community Lifeline Center, and every individual and business helping to paint McKinney red:

Thank you for your efforts. May God continue to bless the United States of America through great folks like you. I salute you!

JACK SILLIMAN

HON. RANDY HULTGREN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. HULTGREN. Mr. Speaker, it is with great pride that I rise today in honor of U.S. Marine, Jack Silliman. Tragically, Jack was killed during the Vietnam War. In 1961, when Jack was still a boy in the 7th grade he wrote a winning speech that was presented to President John F. Kennedy.

I submit Jack's speech.

WHAT I CAN DO FOR MY COUNTRY

Madam president, honorable judges, fellow C.Y.C.L. members, parents, teachers and

friends, The subject of my speech is, ''What I Can Do For My Country''.

First of all I can be a good citizen. I can honor and respect the flag of the United States in which I live. I can be proud of our president and his ten cabinet members.

When I am ready to vote I should know and understand the rules of voting. I should think of the privilege I have of being able to cast a free and secret ballot.

In being a good citizen I should allow each person to speak his own opinion.

I can give help to the ill and friendless.

I must help make safety rules for my community and endeavor to carry them out.

Second, I should get the best education possible by learning the principles of my classroom.

I can learn to enjoy the company of others.

I must do my best to understand the governmental problems of my nation.

I can read and listen to the news and current events of my state and nation.

I can take an active part in political affairs and learn all I can about them.

I must learn all I can about the science and progressiveness of other nations as well as my own.

I must be able to contribute to the defense effort.

Third, I must keep myself physically fit by eating the right kinds of food, getting the right amount of sleep and correct exercise, and avoiding the use of those things harmful to me.

I must train myself so as to make a real contribution to the defense of my country in the fields of science and education.

In conclusion, I can be a good citizen, get the best education possible and keep myself physically fit.

Thank you.

IN RECOGNITION OF MR. ROBERT E. CASEY, JR.

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. SESSIONS. Mr. Speaker, I rise today to recognize Mr. Robert E. Casey, Jr., the Special Agent in Charge of the Federal Bureau of Investigation's Dallas Field Office. Mr. Casey is retiring from the FBI on April 30, 2012.

Upon graduation from Indiana State University, Mr. Casey joined the Houston Police Department in 1981. During his tenure, he served as a patrol officer and an investigator on the organized crime squad and earned the prestigious ''Police Officer of the Year'' Award in 1983. In September 1986, he joined the Federal Bureau of Investigation (FBI) as a Special Agent in the Phoenix Field Office and began working on organized crime and drug investigations. Throughout his tenure with the FBI, Mr. Casey served in a variety of offices including Washington, D.C., Chicago, Miami, and Dallas. Due to his exemplary service, he was promoted to the ranks of Senior Executive Service and was the recipient of the prestigious 2006 Presidential Rank Award for Meritorious Executive.

I have had the privilege of knowing and working with Mr. Casey. He is a principled man with a keen sense of civic duty. He has dedicated his life to public service and proven to be a great leader and a true patriot. Our Nation is a better and safer place because of individuals like him.

As he retires from the FBI, I know Mr. Casey will be delighted to spend more time with his wife, Leslie, and their two children, Gayle and Drew, who have faithfully supported him throughout his career. Mr. Speaker, I ask my esteemed colleagues to join me in congratulating Mr. Casey on twenty-six years of dedicated service to the FBI and this great Nation. I wish him all the best in his future endeavors. May God bless him and his family.

CHILDREN'S SERVICE CENTER

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. BARLETTA. Mr. Speaker, I rise to honor the Children's Service Center, which will celebrate its 150th anniversary on April 11, 2012. The Children's Service Center has been serving families of the Wyoming Valley in Northeastern Pennsylvania since it was incorporated on April 11, 1862, to create a sanctuary in order to provide shelter, food, and instruction to a number of underprivileged children in the Wyoming Valley.

The Children's Service Center was originally called The Home for Friendless Children. As its programs grew and developed, it became a nationally renowned shelter and educational center for infants and children. By 1929, the Home for Friendless Children had become the Children's Home. As time went on, it appeared the children needed more than a shelter—they needed a home. Two cottages were built, the Martha Bennet Home and the Children's Home, and they became the first two open psychiatric residential settings for children in North America. During this time, the Martha Bennet Estate and Children's Home Foundation requested that a newly formed organization called the Children's Service Center become established in order to manage the residential program. The creation of the Children's Service Center occurred in 1938.

As a mental health care system, the Children's Service Center is deeply committed to the wellness of young people in our community. Their services are designed to meet the individual needs of children, adolescents, and their families. Children's Service Center assessment, crisis, and referral services are working 24 hours a day, seven days a week, to help these children lead a better lifestyle.

Mr. Speaker, today, Children's Service Center stands as ray of hope for young people in the Wyoming Valley of Pennsylvania. I commend this agency for its 150 years of dedicated service to our children, to community, and to country.

RECOGNIZING THE ACHIEVEMENTS OF TAMARA C. CANSLER

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. GERLACH. Mr. Speaker, I rise today to congratulate Tamara C. Cansler on the occasion of being honored with the Sixth Annual Rebecca Lukens Award by The Greystone Society. As an outstanding candidate for this recognition, Tamara was chosen for this honor as she has demonstrated the same love of community as the award's namesake, Rebecca Lukens.

Tammy began her career as a high school and elementary school teacher in South Carolina, but moved with husband, Dale, to Pennsylvania where she took positions with Lukens Steel and Merck Pharmaceuticals. Employed by Merck from the mid 1970s to 1985, Tammy served as the first female production supervisor in the company's history. She then started her own development company, Cansler Investment Group, and focused on creating clean and safe living environments for underprivileged adults in the City of Coatesville.

Over the years, Tammy's efforts have resulted in the creation of successful complexes such as Coatesville's North Second Avenue Redevelopment Project, Penn's Crossing Townhomes, and the Brandywine Health Center. Such projects are examples of entire communities established for the benefit of economically-challenged adults, helping to give these folks more secure, more attractive places to live. Philabundance and others donate food to these complexes, and quality used clothing from Freedom Village Senior Living Community is sold to the residents for a very nominal fee.

Mr. Speaker, in light of her years of contributions to the community and litany of outstanding accomplishments, I ask that my colleagues join me today in recognizing Tamara C. Cansler on the occasion of her being honored with The Greystone Society's Rebecca Lukens Award.

TRIBUTE TO BISHOP J. DREW SHEARD ON THE CELEBRATION OF HIS OUTSTANDING LEADERSHIP IN THE CHURCH OF GOD IN CHRIST

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. PETERS. Mr. Speaker, I rise today to salute Bishop J. Drew Sheard, Pastor of Greater Emmanuel Institutional Church of God in Christ of Detroit, for his exceptional leadership in the great State of Michigan.

A Detroit native and Wayne State University graduate, Bishop Sheard was called to the Ministry under the guidance of his father, Bishop John H. Sheard.

He has worked diligently and dutifully in several positions in the Church on both the local and national level, including serving as choir director, and chairman of local and State youth departments.

In addition to his Church Of God In Christ ministry, Bishop Sheard has served as Executive Director of the Michigan Chapter of the SCLC, and a Board Member of the Michigan Anti-Apartheid Council.

He currently leads Greater Emmanuel Institutional Church of God in Christ, one of the largest churches in the Church of God in Christ denomination.

Exhibiting a genuine concern for our community's children and young adults, Bishop Sheard has initiated the Greater Emmanuel TV Ministry, annual Youth and Women Conferences, the Greater Emmanuel Men's Society (GEMS), as well as annual programs such as ''Sanctified Men in Black'' and ''Holy Women in Red.''

In December of 2002, Bishop Sheard received an honorary Doctor of Divinity degree by the St. Thomas Christian College. He is married to Grammy Award-winning gospel artist Karen Clark-Sheard and they have two children, Kierra Valencia and J. Drew, II.

Mr. Speaker, I ask my colleagues to join me today in saluting and congratulating Bishop J. Drew Sheard, Pastor of Greater Emmanuel Institutional Church of God In Christ, on the celebration of his outstanding leadership in the great State of Michigan.

HONORING BRANT MEREDITH

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 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.

Brant Meredith is a sophomore at Clements High School in Fort Bend County, Texas. His essay topic is: In your opinion, why is it important to be involved in the political process?

Our government is what represents each citizen of the United States. It is important to be politically active because we all have a voice in the path that our country takes. It is necessary to express your governmental opinion so that the best choices for the majority may be made. Because our government represents us, it should play a major role in our lives. Our representatives voice our opinion so it is important that we elect them and advocate who we think will do the best job so they will in return play an active duty in our own lives.

The government of the United States should regularly exercise its powers. The people elected their representatives to represent them in the government. Therefore, they should represent the people by enacting decisions that would satisfy who they are representing. In order to please the masses our government should play an active role by satisfying the popular goals. The needs of the public are very numerous. In order to meet all of them, it is necessary for our government to play an active part in our lives. If they do not play a crucial part then many needs will not be met.

As an American it is very important to be involved in the political process. It is necessary to vote for an official that will best meet your needs. If you are not involved with elections then officials who will not meet your needs could come to office. If the majority of our country does not vote a politician who should not be in office could come to it because the vote would be lopsided due to political inactivity. By not being politically active, your needs will not be met. That is why everyone needs to be involved in the political process.

One of the most memorable events that has greatly impacted our history were the terrorist attacks on September 11th, 2001. This marked the beginning of the war on terrorism. We also began to enter a recession. These attacks marked the beginning of hard economic times. America has encountered many problems and potential threats since 9/11. This one day was the most Significant event in the 21st century.

In conclusion, we are represented in our government by people who represent us and make decisions for us. It is important for us to be involved with this political process so we can choose pleaders who will do a good job representing us and getting through hard times.

RECOGNITION OF WILLETT THOMAS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Ms. Thomas. A native of Macon, Georgia, Ms. Thomas has enjoyed nearly a century of good health with the love of her family and her deep faith in God. We celebrate your 100th birthday.

Ms. Thomas was born Willett Evelyn Smith on March 19, 1912, in Macon, Georgia. She is the oldest of three daughters born to her mother. During the early years of her life, Ms. Thomas grew up in Macon, Georgia in the household of her grandparents, Lucinda Jackson (Momma Lucinda) and Papa Dudda. Ms. Thomas has said, ''Her family was very poor people, but she lived a rich and privileged life surrounded by lots of love.''

Ms. Thomas completed her elementary education at Rutland Station School, a public school with grades one through seven. She attended high school at Hudson High located in the city limits of Macon, Georgia, but she had to walk a long distance to reach the bus line, where she then took a bus through the city to the school. She was motivated by her cousin Mary Washington, who was also determined to get an education. They, along with a few others, weathered many a stormy days in triumph of a better life.

Ms. Thomas moved to New York where she would meet and marry the late Nelson Brown. They had one son, Thomas Brown, but the marriage would later fall apart. Ms. Thomas continued to attend Antioch Baptist Church and served at Brooklyn Hospital until she met and fell in love with Army officer, Leroy Thomas.

Ms. Thomas struggled with her husband's post war syndromes but they weathered the storm and raised her son together. When her son took ill becoming disabled in 1976, she and her husband needed to share sacrifice. For several years, she continued to work her night shift while her husband worked during the day. This worked out great for them because one of them was at home at all times to be of assistance to their son.

Ms. Thomas took advantage of new opportunities and landed a position as a Nurses Aide at Brooklyn Hospital. She was a devoted, prompt and competent worker until her reluctant retirement after 60 years of service in 1996.

As her son's health continued to decline, Ms. Thomas turned to worship and began attending New Faith Community Baptist Church every Sunday. Over time his health improved and together they attended fundraising events and became very active at the church. On December 29, 2005, her son passed quietly in his sleep.

Today, Ms. Thomas remains in good spirits enjoying every moment of every day. She enjoys going out for a ride, taking in the sights of the city and various cultural events.

Mr. Speaker, I urge my colleagues to join me in paying tribute to Ms. Willett Thomas on her 100th birthday. She continues to live a life full of joy and is a model citizen to us all.

PROTECTING ACCESS TO HEALTHCARE ACT

SPEECH OF

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

The House in Committee of the Whole House on the state of the Union 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:

Mr. DUNCAN of Tennessee. Mr. Chair, I am caught between a rock and a hard place on this bill. I spoke and voted against the health care bill that is most frequently referred to as ''ObamaCare.''

I am strongly opposed to this Independent Payment Advisory Board, which many see as being a major step towards rationing of medical care.

I strongly favor protecting access to healthcare which is the title of H.R. 5.

However, legislators have been talking about $250,000 caps probably since the late 1970s, if not earlier.

I can assure you that $250,000 in the 70s is far more than $250,000 today.

Secondly, it does not seem fair to me to tell all of my constituents—or at least more than 99 percent—that they can be sued for everything they have, but we are going to limit suits against this one small, privileged segment of our society.

I have great admiration and respect for physicians, but I also believe they should not be placed on a pedestal way above everyone else.

Third, every trial judge sits as a 13th juror and can set aside or reduce a ridiculous or unjust judgment. If the trial judge does not act, then there are courts of appeal. There are safeguards throughout the system, and most really excessive judgments have been reversed in some way by a trial court or at a higher level.

Fourth, USA Today published a box 4 or 5 years ago which showed that for the then most recent five-year period, medical malpractice judgments had gone up only 1.8 percent while medical malpractice premiums had gone up 131 percent.

A few big insurance companies have given the public a very false impression of what is really happening in the courts so that they can impose very exorbitant rate increases.

Last, some members, including me, believe that this should be handled by the states under our Constitution and that this malpractice part of the bill goes against the spirit and intent of our tenth amendment.

IN REMEMBRANCE OF LEON EARL WYNTER IN HONOR OF NATIONAL BLACK HISTORY MONTH

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. RANGEL. Mr. Speaker, I rise today in honor of writer, journalist, former commentator and dear friend Leon Earl Wynter who passed away on Tuesday, January 18, 2011 at the age of fifty-seven. Born in 1953, Leon grew up in the Bronx, New York and was fond of saying that he arrived "just in time for most of the things that mattered; the space race, the triumph of the civil rights movement, disco, cable and the Macintosh computer".

He described himself as "first a Christian, then American and black by way of his Jamaican heritage". He is survived by his daughter Grace Alexandra, his mother Sylvia, and his brother Stephen. Leon left behind an abundance of those who knew him personally and loved him, as well as those who knew him professionally and respected him. Leon created a legacy of friendship, a body of work to be proud of, and a life time of vivid memories of those of us who have been privileged, like me.

Leon had an extraordinary career, which began in commercial banking, and continued in journalism as a Washington Post staff reporter in 1980. At the Washington Post, he covered education and racial change in suburban Prince George's County, Maryland. He later joined the Wall Street Journal's bureau in 1984, and covered the federal banking beat on Capitol Hill, as well as federal telecommunications and technology policy. He then created and wrote a monthly column for the Wall Street Journal called "Business & Race". He considered the title alone as a victory, and he wrote it for ten years, from 1989–1999. In his twenty-years as a journalist, essayist, commentator, speaker and an author, Leon develop into an acclaimed voice on the racial and ethnic transformation of American identity.

As a sought-after public speaker in business, Leon shared his expertise and perspectives with strategic marketers at Time Warner, Pepsico, GlaxoSmithKline, Cox Cable and the Strategic Research Institute. His commentaries on race, pop culture and life were frequently heard on National Public Radio's "All Things Considered". Leon published dozens of essays in newspapers and magazines, including the Wall Street Journal, Savoy, Washington Post, and New York Newsday, among a few.

In August 2002, Leon realized his goal in life after publishing his first book, "America Skin: Big Business, Pop Culture and the End of White America". In 2007, Leon helped co-write my memoirs, "And I Haven't Had a Bad Day Since." Later, Leon would begin a new career with the Harlem Community Development Corporation where he served as Director of Communications.

Leon was known by many as one of the Valley elite, a committed Christian, professor of journalism, an Elder of the Presbyterian Church, an enthusiastic blogger, an evolving musician, a lover of Public Radio, a tireless debater, and someone capable of great passions. He once wrote, "I'm just in time to discover that life is not about being current it's about being present with God for my child and my loved ones".

Mr. Speaker, in celebration of National Black History Month, I ask my colleagues to join me in remembrance of my dear friend, Leon Earl Wynter. If you knew him, these are the facts and the celebration of his life. If you did not know him . . . you missed something very special.

HONORING THE 125TH ANNIVERSARY OF THE AMERIAN PHYSIOLOGICAL SOCIETY

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. VAN HOLLEN. Mr. Speaker, I rise today to salute the outstanding achievements of the American Physiological Society as it celebrates its 125th anniversary. The APS is a scholarly association dedicated to fostering scientific research, education, and the dissemination of information about human and animal physiology. Its headquarters are in Bethesda in Maryland's Eighth Congressional District.

Physiology is the study of how living systems function and plays a pivotal role in advancing medical discovery. The APS is an outstanding example of a not-for-profit organization that supports the advancement of science in the public interest.

APS publishes research findings on physiology in its 13 peer-reviewed journals. These journals—the oldest of which has been publishing since 1898—collectively publish about 3,000 research articles each year. All of this scientific content is made freely available on the web 12 months after initial publication.

The APS also sponsors scientific meetings nd conferences throughout the year where physiologists can share their latest findings with their colleagues.

The APS offers educational outreach programs for students beginning at the elementary school level and provides support to students of physiology in graduate school and beyond. The APS has been recognized with a Presidential Award for Excellence in Scientific, Mathematics, and Engineering Mentoring, PESMEM, for its long standing effort to increase diversity in physiology and to encourage the progress of underrepresented minority students and professionals.

Over the course of 125 years, the APS has grown from 28 founding members to more than 11,000 members. These physiologists teach and conduct research in medical schools, hospitals, colleges, universities, industry, and government throughout the U.S. and 66 other countries.

Mr. Speaker, I urge my colleagues to join me in recognizing the APS on its 125th anniversary and honoring this organization for its many accomplishments.

TRIBUTE TO DR. CHARLES EDWARD GUNNOE

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to a good friend of mine, Dr. Charles "Chuck" Gunnoe. Dr. Gunnoe passed away March 10, 2012, in Corona, California, with his wife Becky and his family at his side. Chuck was a pillar of the community in Corona, California, and he will be deeply missed.

Chuck was born September 25, 1928, in Chicago, Illinois, the son of Andrew Benton and Anna Gunnoe. After honorably serving in the United States Air Force, Chuck earned his medical degree from Indiana University. Chuck worked as a family physician for 54 years. Chuck, and his wife Becky, were known throughout the community and Dr. Gunnoe was the longest practicing physician in Corona. Chuck considered himself a country doctor and was inspired by his hometown doctor in Indiana who would make house calls. Dr. Gunnoe moved to Corona in 1956 after completing his residency at Riverside General Hospital and took over the practice of a local doctor.

Chuck was a visionary in Corona; he immediately saw the need for more medical services in the community and purchased land that would become the site for the second hospital in Corona. After many years of work, that hospital would become part of the Corona Regional Medical Center. As a physician, Dr. Gunnoe never rushed with his patients, would visit some at home if they were unable to come to the office, and gave many his home telephone number. That kind of service and commitment to the health of his patients is rare today. Dr. Gunnoe retired in 2010, having been a doctor to three generations of Corona residents. He would still see some patients in his home after he retired; his dedication to his patients as steadfast as ever.

It is hard to imagine that Chuck would have any free time on his hands yet he always found time for his community. He was past president of the Corona Chamber of Commerce, its Citizen of the Year in 1996, founder of the local Jaycees, and owner of Deerfield Station, a gourmet restaurant. In his free time, Chuck enjoyed spending time with his family, traveling in his motor home, playing tennis, golf and bowling.

Chuck is survived by his wife, Becky Gunnoe of 35 years; daughters, Dawne (David) Malone, Janis Tedesco, Laura Leigh (Michael) Gunnoe-Pass; sons, Bryan A. Gunnoe, Charles E. (Susan) Gunnoe, Jr.; sister, Mabel Pugh; seven grandchildren, Dylan and Nicolas Tedesco, Jessica, Danielle and Jake Gunnoe, Michael Benton and Sean Christian Pass, and three great-grandchildren, Sienna, Jonah and Sebastian.

On Friday, March 16, 2012, a memorial service was held celebrating Chuck's extraordinary life. Chuck will always be remembered for his unwavering care for his patients, incredible work ethic, generosity, contributions to the community and love of family. His dedication to his work, family and community are a testament to a life lived well and a legacy that will continue. I extend my condolences to

Chuck's family and friends; although Chuck may be gone, the light and goodness he brought to the world remain and will never be forgotten.

PROTECTING ACCESS TO HEALTHCARE ACT

SPEECH OF

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

The House in Committee of the Whole House on the state of the Union 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:

Mr. FITZPATRICK. Mr. Chair, over the course of the last two years since the President signed the Affordable Care Act into law, bipartisan opposition to many portions of this legislation has steadily grown in this chamber.

Today, the House of Representatives passed the Protecting Access to Healthcare Act as part of a deliberate, transparent, and comprehensive plan to fix America's broken and expensive health insurance system.

While I favor a full repeal of the Affordable Care Act, this effort represents removal of the most harmful provisions of President Obama's flawed law. The PATH Act does this by enacting much needed medical malpractice tort reform to reduce healthcare costs and it repeals President Obama's unaccountable Independent Payment Advisory Board, IPAB, which would limit Medicare patient access to health care services.

As the House puts forward ideas to protect and save Medicare, the Administration has decided it can better serve seniors by cutting benefits for seniors by more than $575 billion, and creating a panel of unelected, unaccountable Washington bureaucrats tasked with cutting Medicare even further.

More than 230 of my colleagues in the House from both parties 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 make the Protecting Access to Healthcare Act law. Congress must work to reform health care in a way that reduces costs for both patients and providers while preserving the quality of care that Americans deserve.

SUPPORTING JOBS WITH THE JONAS SALK ELEMENTARY CAP UNDO REGULATORY ENVIRONMENTAL DELAY (CURED ACT)

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. BILBRAY. Mr. Speaker, today I am introducing legislation that will place a 90-day deadline on the U.S. Fish and Wildlife Service to issue a final decision for a permit to build an elementary school in my district. After nearly 10 years of delays, it is time to move forward on this critical school for the children in my congressional district. The bill does not sidestep environmental review. Endangered species and habitat will be protected. It is time to recognize and place the impact of delay to the community on equal footing.

Jonas Salk Elementary is a proposed school site within the community of Mira Mesa in San Diego, California. With nearly one in 10 San Diego residents out of work, this is a ''shovel-ready'' project that has been the victim of nearly a decade of bureaucratic regulatory delays. This has hurt students, deprived the community of park amenities and much needed jobs.

This school is needed to ease existing overcrowding at Mason Elementary, Hage Elementary and other San Diego-area schools. The proposed project is located within an existing community, on a lot that has been vacant and graded since 1978. Along with the school, the project envisions a park and joint-use facilities to benefit the region.

The San Diego Unified School District Board approved the plans to build Jonas Salk Elementary in 2003, with the intent of serving students in 2006. Unfortunately, the elementary school has been indirectly delayed by an environmental lawsuit and various agency delays for nearly a decade. If enacted, my legislation will help ensure that students will be able to attend this long delayed school in 2014.

At a time when schools are overcrowded and the resources to build schools are scarce, to delay a project with both the need and the resources to construct with no real impact to the environment is unacceptable. The intent of this bill is to not allow the opening of the school to slip any further. The San Diego Unified School District has done its due diligence to protect the environment and provide for students. My bill recognizes the school district's efforts and ensures that the final determination is issued in a timely manner so that the school can finally be built and begin servicing the community. Projects that provide an obvious community benefit and produce much needed jobs should be encouraged, not punished with costly and pointless delays.

NATIONAL SAFE PLACE AWARENESS WEEK

HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. YARMUTH. Mr. Speaker, I rise today in honor of National Safe Place Awareness Week. Every year in America, as many as 2.8 million young people run away from or are pushed out of their homes. Almost half of them do so because of a family conflict.

A young person in crisis is often scared and confused. The distinctive yellow-and-black sign that marks a Safe Place location is a universal symbol of safety and assistance. It signifies a place—a business, school, fire station, library, or many others—where a young person in crisis can get help.

There are almost 20,000 Safe Place locations throughout the country, in 40 states and 1,562 communities. During the past 12 years, National Safe Place agencies have counseled nearly 90,000 young people in person and more than 110,000 via telephone.

Sadly, the need for Safe Place services continues to grow. In response, National Safe Place is seeking to give more young people a place to turn for help—regardless of their circumstance.

[Mr.] Speaker, I have introduced a resolution recognizing March 18–24 as ''National Safe Place Awareness Week.'' The goal is not only to have more signs hanging across the country, it is to raise awareness and support of the vital programs National Safe Place provides for young people in the most vulnerable of situations.

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

EXPRESSING CONDOLENCES TO THE VICTIMS OF THE RECENT TORNADOES IN THE MIDWEST AND SOUTH

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. HASTINGS of Florida. Mr. Speaker, I rise to express my heartfelt sympathy for the people who have been struck by the recent tornadoes in the Midwest and South. These disasters have caused the deaths of more than 30 people in five States and left several communities in need of support, including volunteers, food, clothing, and monetary contributions. Although we will be able to rebuild these communities, we can never replace the lives lost, and my thoughts and prayers are with those families today.

These disasters are a reminder that the needs of relief and recovery efforts are constant. When disasters—be they hurricanes, earthquakes, fires, floods, or tornadoes—wreck entire communities and drive whole families from their homes, rapid and generous outside assistance is essential to preserving lives and property. I hope that we can learn from this disaster—and other recent natural disasters around the country—that we need to better coordinate and find Federal disaster relief efforts.

Mr. Speaker, I once again extend my deepest sympathies to the people who have been affected by these tornadoes. I urge all the appropriate Federal agencies to ensure that these communities receive the help they need.

RECOGNIZING THE 60TH ANNIVERSARY OF THE ARC OF CHESTER COUNTY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. GERLACH. Mr. Speaker, I rise today to congratulate The ARC of Chester County, Pennsylvania on its 60th anniversary of improving the quality of life for individuals with developmental and intellectual disabilities.

The history of The ARC of Chester County is a long and storied one, extending back to 1952 when local Chester County parents founded the organization as an affiliate of The ARC U.S., which was founded in Philadelphia and counted this group among its first local

chapters. When The ARC was founded, there were few programs and services for the special needs population it served, and in fact many were institutionalized at the state institutions of Pennhurst and Embreeville. The founders of The ARC defied the conventional wisdom of the time by advocating and working for public education and community inclusion for their children.

The only group in Chester County whose services are completely community-based, The ARC of Chester County has celebrated many significant firsts in its illustrious 60 year history. It is responsible for the first sheltered workshop in Chester County, the first community-based classrooms for children with developmental or intellectual disabilities, the first and only recreation program of its kind in Chester County for folks with such disabilities, the first organization in Pennsylvania to advocate for public education for children with special disabilities, the first group home in Pennsylvania, and the first community-based job coaching and employment program.

Mr. Speaker, I ask that my colleagues join me today in congratulating The ARC of Chester County on the occasion of its 60th anniversary and to extend best wishes for the agency's continuing work to meet the needs of the community through the 21st century and beyond.

HONORING JOSH HURLBERT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Josh Hurlbert for his dedicated service over the past three years as a member of my staff. Josh will be leaving my staff to pursue his dream of serving the people of Missouri in elected office.

Josh has been an invaluable part of my office. His was the first voice that many constituents heard when they called my office. Josh gave them the information they asked for whether it was information about a bill, a way to contact a government agency or if the latest email going around was true. He also worked with the people of Clinton, Caldwell and Daviess Counties to make sure their voices were heard in Washington.

Josh also cheerfully took on additional office duties or tasks without being asked. His professionalism and dedication to serving my constituents was a great example of how government should work.

While I am losing a valuable member of my team, I am excited for Josh to begin the next chapter of his career in public service. He knows that the best way to truly represent someone is to listen to their ideas and their concerns. Josh will be a voice for common sense and limited government the rest of his life.

Mr. Speaker, I proudly ask you to join me in commending Josh Hurlbert for his service to the people of the Sixth Congressional District. I, and the rest of my staff, wish him success in his future endeavors.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Ms. LEE of California. Mr. Speaker, I was not present for rollcall votes 118–120. Had I been present, I would have voted ''no'' on #118, ''no'' on #119, and ''yes'' on #120.

PERSONAL EXPLANATION

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. MANZULLO. Mr. Speaker, I missed votes this week because of the primary election in Illinois. If I had been here, I would have voted ''Yea'' on Rollcall No. 111; ''Yea'' on Rollcall No. 112; ''Yea'' on Rollcall No. 113; ''Yea'' on Rollcall No. 114; ''Nay'' on Rollcall No. 115; ''Nay'' on Rollcall No. 116; ''Yea'' on Rollcall No. 117; ''Yea'' on Rollcall No. 118; ''Yea'' on Rollcall No. 119; ''Yea'' on Rollcall No. 120; ''Yea'' on Rollcall No. 121; ''Yea'' on Rollcall No. 122; ''Nay'' on Rollcall No.123; ''Yea'' on Rollcall No. 124; ''Nay'' on Rollcall No. 125; ''Yea'' on Rollcall No. 126.

A TRIBUTE TO DUANE AND PATRICIA OHLRICH

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. SMITH of Nebraska. Mr. Speaker, I rise today to honor two distinguished Nebraskans, Duane and Patricia Ohlrich of Columbus. Their company, Industrial Systems & Supply, Inc., was named the Nebraska Small Business of the Year for 2012 by the U.S. Small Business Administration.

Small businesses like theirs are the engine of our economy. Over their more than 20 years in business together, Duane and Patricia built their company from $391,000 in sales to nearly $6 million in 2011. All the while, they successfully expanded their business into additional products to account for the changing economic climate.

Duane and Patricia's success didn't just stop with their business—they also gave back to their community. Among the many examples of their generosity was their collaboration with other Columbus area small businesses to provide seed money for Central Community College's entrepreneurship program, which offers workshops, seminars and other events to educate and promote business ownership.

The success the Ohlrich's have earned through their hard work and perseverance is what the American Dream is all about. It is stories like theirs which make both Nebraska and our nation strong and proud. I ask my colleagues to join me today in congratulating Duane and Patricia for their achievement.

SECOND ANNIVERSARY OF OBAMACARE

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. HASTINGS of Washington. Mr. Speaker, I rise today to highlight the serious state of health care in our country as we approach the second anniversary of ObamaCare.

When ObamaCare was drafted behind closed doors without bipartisan input and slammed through the legislative process in 2010, President Obama and NANCY PELOSI promised us that this government takeover of health care would allow people who like the health care plan they have now to keep it.

But I and my Republican colleagues knew better when we voted against the bill—and we were right. In the two years since ObamaCare was signed into law, Americans have already experienced significant increases in premiums, loss of choice in medical coverage, and less access for seniors to obtain quality health care.

In addition, Mr. Speaker, a recent report by the Congressional Budget Office stated that as many as 20 million Americans could lose their employer-provided health care coverage as a result of ObamaCare—half of who are low-wage workers whom depend on their employer health coverage. Even the Department of Health and Human Services admitted that portions of the President's health care law, which were originally projected to lower costs, would in fact increase taxes on hardworking American taxpayers.

Americans deserve access to the quality health care they need when they need it and at a cost they can afford. Improvements must be made, but reforms need to focus on putting patients first and lowering costs. Lowering costs for hardworking American taxpayers can be achieved by expanding health care choices and tools to help families save, making it easier for small businesses to afford to offer care, ending lawsuit abuse, and protecting the doctor-patient relationship from government intrusion.

After several years of uncertainty and stagnant economic conditions, the American people need real solutions and real results. This cannot be achieved by budget tricks or accounting gimmicks that do nothing to help hardworking American taxpayers and only result in higher taxes and burdensome federal government mandates.

Efficient, effective government that spends less and serves better is the only answer to restoring genuine accountability and faith in our government. The House of Representatives has voted 25 times to repeal, defund or dismantle this law. It is my hope that before the next anniversary of ObamaCare, the Senate and President will join the House to repeal this trillion-dollar government takeover of health care and work on real reforms that lower costs for the American people.

MARKING THE 9TH ANNIVERSARY OF THE START OF THE IRAQ WAR

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. McDERMOTT. Mr. Speaker, I rise today to mark the 9th anniversary of the start of the Iraq War. Nine years ago this month, members of the U.S. Armed Forces invaded Iraq in what became one of the bloodiest and most protracted missions in our military's history. Today, our country is still paying the extraordinary price for the nine years in Iraq, both in terms of lives lost and trillions of dollars that could have gone toward nation building here at home.

For many veterans, coming home marks the beginning of another fight—fight for treatment, care, and integration into civilian life. Invisible wounds of war, such as post-traumatic stress disorder, affect one in five veterans returning from Iraq and Afghanistan.

Mr. Speaker, I also submit an article by Jon Soltz, a former Iraq War veteran, on the need for my colleagues on the other side of the aisle to own up to the promise to care for veterans instead of paying lip service. The title of his article, "GOP Budget Doesn't Even Say The Word 'Veteran,'" speaks for itself.

[Published in the Huffington Post, Mar. 22, 2012]

GOP BUDGET DOESN'T EVEN SAY THE WORD ''VETERAN''

(By Jon Soltz, Co-Founder of VoteVets.org and Iraq War veteran)

Do Republicans care about keeping our promise to veterans?

Looking at the recently released GOP budget, written by Rep. Paul Ryan, it's hard to see how they do. In fact, looking at the nearly 100 page document, the word ''veteran'' doesn't appear once. Not once.

Today is the 9th anniversary of the start of the Iraq War. Last night, I spoke with someone who served with me in Iraq during my first tour. And for the first time in almost nine years, she wanted to talk to me about an incident where she drove through an IED and a soldier was killed. It was a profound moment that shows how war and sacrifice stay with us, always. For those of us who served, in many ways, yesterday is today. And today, we read that the GOP doesn't even talk about veterans in their budget.

But, without saying the word ''veteran,'' the budget tells us a lot about what they think about veterans. The budget calls for across the board spending freezes and cuts. If enacted, the Ryan GOP budget would cut $11 billion from veterans spending, or 13 percent from what President Obama proposes in his own plan.

It's unconscionable that they'd do this at a time when so many Iraq veterans have just come home and rely on veterans care. Over 45,000 US troops were wounded in Iraq and Afghanistan, and more will come who will rely on VA services, on top of veterans of other wars and eras who depend on the VA. But, this shortsightedness isn't new.

Back in 2005, President Bush underfunded the Department of Veterans Affairs by about a billion dollars, despite its need. The result? Secretary Jim Nicholson was forced to crawl before Congress and plead with it to pass emergency supplemental spending, just so it could keep the doors open. After that debacle, I have to admit, I never thought Republicans would do the same thing again, if for no other reason than that it just looks bad politically, leaving aside the horrible effect it would have on veterans in need.

Additionally, after the backlash against ending Medicare the last time Paul Ryan released a budget, they're at it again. That, too, affects veterans. I was speaking with one veteran in Missouri, who lost both of his legs in Iraq. His entire primary care now relies on Medicare. It pays for all of his primary care, as it does for so many veterans with 100 percent disability. So, no, I couldn't believe that Paul Ryan and the GOP would again propose ending Medicare.

Yet, here we are. A budget from the GOP that short changes veterans, horribly. And where does that money go? Not to reducing the debt. The debt as a share of GDP would actually increase under the Ryan plan. The money doesn't go towards anything, really. But it does go towards some people. As in $3 trillion in tax giveaways to the richest Americans and corporations. People like Mitt Romney, who already pays a tax rate lower than most of our troops.

That's the choice the Ryan plan presents to America—do we want to fund the wealthiest Americans and corporations, or keep our promise to our veterans? Ryan and the GOP say the former. I can't believe that most Americans wouldn't say the latter.

PROTECTING ACCESS TO HEALTHCARE ACT

SPEECH OF

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

The House in Committee of the Whole House on the state of the Union 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:

Ms. HIRONO. Mr. Chair, this week we celebrate the 2nd anniversary of the Affordable Care Act.

The Affordable Care Act is designed to fix so many of the things that ail our health care system and burden everyday families. The new law has already had a major impact on families in Hawaii.

Senior citizens in Hawaii now have some relief from the high cost of prescription drugs. In 2010, over 24,000 people with Medicare in Hawaii received tax rebates to cover prescription drug costs.

One senior from Waimea on Hawaii Island told me her $250 Medicare rebate check was "a blessing" in these tough economic times. She was able to use that money to pay for her other medical bills.

In 2011, more than 21,000 people in Hawaii with Medicare saved close to $7 million on prescription drugs. The "donut hole" gap in coverage will be closed by 2020.

A mother in Kailua told me that because of the Affordable Care Act, she could now add her 21 year-old son and 24 year-old daughter to her work-sponsored insurance plan.

These are just two of the over 5,000 Hawaii young adults who can now stay on their parents' plan until age 26. This Kailua family is now using the thousands of dollars saved on health insurance each year for other household needs, including paying down past medical debt.

The old saying is true, that "an ounce of prevention is worth a pound of cure." Preventive services like mammograms, colonoscopies, and wellness visits can detect problems early and prevent higher costs later.

Thanks to the Affordable Care Act, nearly all 210,000 Hawaii people with Medicare can now get preventive services without a co-pay or deductible. In addition, 240,000 people in Hawaii with private insurance are now eligible for preventive services—including women's health services such as domestic violence screenings and contraception—without a co-pay or deductible.

The Hawaii Prepaid Health Care Act already covers employees who work for more than 20 hours per week. As a result, a large percentage of our people can get the healthcare they need to stay healthy. We have a low rate of uninsured. And that saves all of us money.

This is why I fought hard to preserve the Hawaii Prepaid Health Care Act in the House bill. I offered an amendment to preserve Hawaii's law and defended my amendment in committee, convincing my colleagues to support my amendment. Then, all of us in the delegation worked together to make sure the final Affordable Care Act law maintained Hawaii's law.

Because of Hawaii's Prepaid Health Care Act, most employers in Hawaii already provide health coverage. The Affordable Care Act makes it easier for Hawaii small businesses by providing tax rebates to help pay for health care costs. Nearly 29,000 Hawaii businesses are eligible for tax credits under the law.

Today I also met with leaders from eight of Hawaii's Community Health Centers. The Affordable Care Act helps fund these 73 health center sites that serve our highest-need rural and underserved communities, especially on the Neighbor Islands and rural Oahu. These health centers care for over 130,000 people and provide nearly 1,300 jobs throughout the state. The message these health leaders shared with me today is that the Affordable Care Act has made a positive difference in the lives of so many.

Given how much the Affordable Care Act is already helping Hawaii, it is unfortunate that some in Congress want to repeal it. Because they can't repeal the law all at once, they have continued to try to de-fund the law or repeal one piece at a time.

Today we're seeing another example of this, with H.R. 5. This bill would repeal the law's Independent Payment Advisory Board, also known as the IPAB.

This board is a panel of experts that will make recommendations so taxpayers aren't paying for unnecessary Medicare procedures. This will save taxpayers billions of dollars, while protecting Medicare patients. The board would not be allowed to recommend any cuts to reimbursement rates that ration or harm patient care. Congress would vote on the board's recommendations, or come up with an alternative that reduces cost growth by more.

In fact, because the Affordable Care Act has already reduced the growth in Medicare costs, the Board's recommendations wouldn't even be triggered until 2022 at the earliest.

I have heard from some medical providers in Hawaii who are worried the IPAB will recommend cuts to their specialty. These providers say they might choose not to see Medicare patients. I can understand their concerns, but here's the thing: Medicare costs are going

up partly because of expensive and sometimes unnecessary procedures. Most members of Congress aren't scientists or health care researchers, so a panel of experts would be better suited to use the best research to recommend reforms. I will vote against a bill to repeal IPAB that doesn't put a better system in its place.

Unfortunately, this week the House Majority released a budget plan (the Ryan Budget) that would end the Medicare guarantee for our seniors. The Ryan Budget would again turn Medicare into a voucher system where seniors would have to purchase private plans. Private plans could deny and delay coverage, without Medicare's consumer protections our seniors get today. Last year's House budget tried this same plan, and the Congressional Budget Office said it would increase costs to people on Medicare by $6,000 per person starting in 2022.

The bill we're voting on today, H.R. 5, also recycles an old misguided proposal for medical negligence reform. Someone who is harmed by misconduct by a health professional should not be barred from appropriate compensation for a permanent disability or loss of a loved one.

The reality is that most medical providers are doing the right thing. A small percentage of doctors are responsible for over half the medical malpractice cases. We shouldn't be protecting this minority of providers over the rights of patients injured through these providers' negligence. Today's bill would deny justice to those who have been harmed by a small number of medical providers.

Today's bill, H.R. 5, would also hurt states' rights by preempting state medical malpractice laws. A cap on damages for physical impairment, pain, suffering, and even death could not exceed $250,000, regardless of individual states' existing limits.

Today's bill also extends far beyond medical malpractice. It would also apply to limit patients' rights in all "health care lawsuits," which could include cases against pharmaceutical and medical device manufacturers, nursing homes, HMOs, insurance companies, and hospitals.

While proponents of medical malpractice reform argue that frivolous lawsuits are driving up insurance premiums, the fact is, economic studies have shown that medical malpractice payouts are not the cause of higher premiums for consumers. Instead, premium increases are caused by other factors, such as too little competition in the private insurance market.

I urge my colleagues to reject H.R. 5.

On the second anniversary of the Affordable Care Act, we should be fighting to make healthcare more accessible for our people, not less.

Mahalo nui loa (thank you very much).

CELEBRATING THE SERVICE OF MS. SYLVIA WHEELING OF THE BALDWIN CENTER

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. PETERS. Mr. Speaker, I rise today to salute Ms. Sylvia Wheeling, Baldwin Center Director of Food Services, on the occasion of her retirement from the human service agency, located in the great city of Pontiac, Michigan.

A 30-year volunteer at Baldwin Center, Sylvia Wheeling truly epitomizes what it means to be a dedicated servant to the community. In 1981, as a member of the former Baldwin Avenue United Methodist Church, Sylvia was the first person to respond to her pastor's appeal to the church that it reach out to the surrounding community and be a good friend and neighbor. She started by cooking a few meals. Now, some 30 years later, Sylvia manages a kitchen that served more than 65,000 meals to men, women and children.

Baldwin Center has grown significantly during Sylvia Wheeling's tenure there and she has been an integral volunteer dutifully supporting its many programs and services.

As testament to her impact on the lives of many neighbors in the Pontiac community, one person recalled how a man, who was trying on a pair of pants at the center's Clothes Closet, had his size 13 pair of boots stolen from him. Within a half hour, a compassionate Sylvia had driven to a store and purchased a new pair for him.

Another person remembered how Sylvia stayed in the Intensive Care Unit with a homeless woman until her father could be found.

Similarly, others can recite many times when her influential presence defused conflicts, and how even when she had to be stern, Sylvia nonetheless showed grace under fire.

In a December 31, 2009 Oakland Press feature story titled, "Soup kitchen volunteer feels 'blessed'" Sylvia Wheeling said the following: "I am very grateful I could be a part of that. I have been very blessed."

We are very grateful and blessed that she has shared her time, her talent and her treasure with Pontiac, Michigan's Baldwin Center for 30 wonderful years.

Mr. Speaker, I ask my colleagues join me today in saluting and congratulating, Ms. Sylvia Wheeling, Director of Food Services at Baldwin Center of Pontiac Michigan. We wish her all the best in her well-deserved retirement.

HONORING DANIEL CASAS

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 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.

Daniel Casas is a freshman at Clear Brook High School in Galveston 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. Daniel chose September 11th, 2001.

An important event that has occurred in the last 50 years was September 11, 2001. September 11, 2001, was a big disaster for the United States of America. Thousands of people died from this tragic event, people were scared when they boarded airplanes, which were the vehicle by which this much of this destruction was brought on the United States of America. Islamic terrorists that were linked to Osama bin laden and Al Qaeda, hijacked four American airliners. The terrorists crashed all four planes into different locations on the east coast of America, two crashed into the World Trade Center towers located in financial district of New York City, one into the Pentagon in Arlington, Virginia, and the final one crashed into a rural field in Pennsylvania. The passengers on flight 93 fought to regain control of the aircraft from the hijackers but did not succeed. More than 3,000 people in total were killed during these attacks. Most of the people killed were located in the World Trade Center. New York Army National Guard units were quickly called up to restore order and provide disaster relief in the wake of this tragedy. At the pentagon, 74 military and civilian personnel were killed. President Bush called approximately 10,000 soldiers up to active duty in Iran. Due to this terrorists act which occurred many American's were enraged and then enlisted in the military to retaliate for what the terrorists had done to our country. In December 2001, more than 17,000 soldiers from reserve components from various home land security functions were called to service. The Department of Defense called this effort ''Operation Noble Eagle''. Because of what these terrorists did a lot of Americans now refer to all Muslims as terrorists. Due to these events the United States has created more effective metal detectors and improved the security around our airports, ports and other points of entry into the country. The United States was bought together as a nation in this great time of despair.

RECOGNITION OF LYNCH SYNDROME AWARENESS DAY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Lynch Syndrome Awareness Day. Lynch Syndrome is a hereditary condition that exposes families to a higher risk of contracting aggressive cancers at a younger than average age.

First identified in 1966 by Dr. Henry T. Lynch, Lynch syndrome is a genetic disorder caused by a mutation in mismatch repair genes MLH1, MSH2, MSH6, EPCAM, and PMS2. Mismatch genes typically protect the body from cancers by repairing the errors in DNA replication, but due to the mutation, those mismatch genes have stopped functioning properly. Consequently, the defective gene causes individuals affected by Lynch Syndrome to sustain a lifetime risk of up to eighty-two percent of developing Colorectal Cancer, sixty-five percent of contracting Endometrial Cancer, nineteen percent Gastric Cancer and a much higher than average risk of contracting many other cancers, most often at a younger than average age.

The only accurate method of diagnosing Lynch Syndrome is through genetic testing and a comprehensive assessment of the family's medical history. To be diagnosed with

Lynch Syndrome, a patient must meet the Amsterdam Criteria II—three relatives must have Lynch Syndrome associated cancers, two must be directly related to the third, and one must be under the age of 50.

In the U.S. alone, there are approximately 600,000 people who are carriers of Lynch Syndrome mutation, yet only five percent of those carriers have been diagnosed. In comparison to the general population, in a lifetime, people affected by Lynch Syndrome are up to eighty-two percent more susceptible to Colon Cancer, up to sixty percent more prone to Endometrial Cancer, eleven to nineteen percent more disposed to Stomach Cancer, nine to twelve percent more vulnerable to Ovarian Cancer, and the list continues.

While researchers have not been able to determine a cure for Lynch Syndrome, there are still various ways to manage and treat this condition. Through screenings and medical management programs, polyps and growths can be detected and removed before becoming life-threatening. In addition to annual colonoscopies, EGDs, endometrial samplings, urinalyses, dermatological examinations, pathological testing of all colorectal tumors in accordance with NCCN guidelines, and abdominal hysterectomies, Lynch Syndrome can be effectively managed.

Mr. Speaker, I urge my colleagues to join me in recognizing today as Lynch Syndrome Awareness Day. Although researchers have yet to find a cure, hopefully, through our support and recognition more people will become educated about this extremely life-threatening disease and a cure will shortly be on its way.

PROTECTING ACCESS TO HEALTHCARE ACT

SPEECH OF

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

The House in Committee of the Whole House on the state of the Union 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:

Ms. JACKSON LEE of Texas. Mr. Chair, today we again are considering H.R. 5, the ''Help Accessible, Efficient, Low-cost, Timely Healthcare (HEALTH) Act.'' This bill is intended to change what some of my colleagues on the right believe to be a broken medical malpractice liability system.

Quite paradoxically, many supporters of H.R. 5 are vocal opponents of the recently passed health-related federal law, the Affordable Care Act, whose anniversary we celebrate here tonight. It must be stated that many Americans celebrate with us and dine in good health—thankful that this Congress came together to pass health care 2 years ago.

Foes of healthcare reform claim that the Commerce Clause of the U.S. Constitution, which gives the Federal Government some authority over states, was abused to pass the healthcare law. Under the rules of this Congress, House sponsors of any bill must explain Congress' constitutional authority to pass it.

Rather ironically, H.R. 5's sponsor, Representative PHIL GINGREY (R–GA), cites the Commerce Clause as he tries to enact sweeping legislation that would completely overhaul State tort law and undermine hundreds of years of precedent.

Yet, for my colleague, Mr. GINGREY, his statement represents a complete reversal from his position on the Affordable Care Act, which he has called ''the government takeover of our healthcare system.''

Which might explain why my colleague Mr. WOODALL from Georgia submitted an 11th hour amendment during the Rules Committee Hearing on the rule for H.R. 5, striking the Commerce Clause mention from this bill.

The Woodall Amendment struck almost two pages from their bill—and reading it I can see why. It reads:

EFFECT ON INTERSTATE COMMERCE.—Congress finds that the health care and insurance industries are industries affecting interstate commerce and the health care liability litigation systems existing throughout the United States are activities that affect interstate commerce by contributing to the high costs of health care and premiums for health care liability insurance purchased by health care system providers.

This sounds strikingly similar to the arguments being advanced against the Affordable Healthcare Act. You cannot have your cake and eat it too. Either health care affects interstate commerce or it doesn't. Which is of course the impetus for the amendment offered by my colleague from Georgia. What a dilemma to find oneself in? Trying to gut the Affordable Healthcare Act, but using the precise argument supporting Congress' power to regulate.

While the U.S. Constitution and Supreme Court interpretations do not identify a constitutional right to health care for those who cannot afford it, Congress has enacted numerous statutes, such as Medicare, Medicaid, and the Children's Health Insurance Program, that establish and define specific statutory rights of individuals to receive health care services from the government.

As a major component of many health care entitlement statutes, Congress has provided funding to pay for the health services provided under law.

The Commerce Clause of the U.S. Constitution empowers Congress ''to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.'' The Supreme Court developed an expansive view of the Commerce Clause relatively early in the history of judicial review.

This power has been cited as the constitutional basis for a significant portion of the laws passed by the Congress over the last 50 years, and it currently represents one of the broadest bases for the exercise of congressional powers.

The Supreme Court accords considerable deference to a legislative decision by Congress that a particular health care spending program provides for the general welfare.

If enacted, H.R. 5 would, among other things, cap the noneconomic damages that a plaintiff in a health care lawsuit could recover. It would also preempt existing State laws on proportionate liability, allow courts to reduce contingent fees, and abolish the collateral source rule.

Studies and empirical research have shown that caps diminish access to the courts for low wage earners, like the elderly, children and women. In fact, the American Bar Association has studied this issue for over 30 years.

If economic damages are minor and noneconomic damages are capped, attorneys are less likely to represent these potential plaintiffs. And frankly Mr. Speaker, many of these plaintiffs are not very likely to be able to afford access to legal services. The equal scales of justice would be tipped.

Those affected by caps on damages are the patients who have been most severely injured by the negligence of others. These patients should not be told that, due to an arbitrary limit, they will be deprived of the compensation determined by a fair and impartial jury.

The courts already possess and exercise their powers of remittitur to set aside excessive verdicts, and that is the appropriate solution rather than an arbitrary cap. Let the courts and judges do their jobs and judge.

While the system may need some tweaks to help control ballooning medical malpractice insurance premiums paid by doctors, it is imperative that as we make changes, we are careful not to remove incentive for doctors to perform their duties at the highest standard. We must not leave victims of malpractice without viable recourse.

The bill before us today is not new; in fact, it was first introduced in 2005. As written, the HEALTH Act would severely limit the ability of injured patients and their families to hold health care and medical products providers accountable.

The bill is so broadly drafted that it would also limit remedies against the for-profit nursing home, insurance and pharmaceutical industries, and even against doctors who commit intentional torts, such as sexual abuse.

Let's take a look at the collateral source rule which is the common-law rule that allows an injured party to recover damages from the defendant even if he is also entitled to receive them from a third party. Common third parties, that is, collateral sources, include a health insurance company, an employer, or the government.

To abolish the collateral source rule would be to allow or require courts to reduce damages by amounts a plaintiff receives or is entitled to receive from collateral sources.

But there is a reason that the common law adopted it: it is preferable for the victim rather than the wrongdoer to profit from the victim's prudence, for example buying health insurance or the good fortune in having some other collateral source available.

One commentator has also noted that, when the collateral source is the government, and the benefit it provides are future services, such as physical therapy, there is no guarantee that it will provide such services for as long as they are needed, as government programs may be cut back.

Moreover, I don't many people willing to literally give an arm or leg for cash, but accidents happen due to negligence. Awards serve to educate the public but also serve the added purpose of providing a disincentive for bad actors.

There are a number of reasons why this bill is flawed though, and not just the collateral source rule. Its scope is extremely broad and encompasses much more than necessary to simply protect doctors from high insurance premiums. It contains a sweeping preemption of state law. It reduces the statute of limitations on malpractice claims.

It severely restricts contingency fees, discouraging lawyers from taking on malpractices

cases. And it essentially strips victims of the right to bring a claim against drug and medical device manufacturers.

According to a November 2010 study by the Office of Inspector General of the U.S. Department of Health and Human Services about 1 in 7 patients experience a medical error, 44 percent of which are preventable.

These errors cost Medicare $4.4 billion annually. U.S. Dept. of HHS, Office of the Inspector General, ''Adverse Events in Hospitals: National Incidence Among Medicare Beneficiaries'' (November 2010.)

AMENDMENT: EXEMPTION FOR IRREVERSIBLE INJURY

Because this bill is so overbroad, I introduced an amendment in the Rules Committee Hearing on H.R. 5, with my colleagues, Congressmen QUIGLEY and HANK JOHNSON, which would have helped to close the wide gaps created by this bill.

My amendment carved out an exemption for healthcare lawsuits for serious and irreversible injury. This would have exempted victims of malpractice that resulted in irreversible injury, including loss of limbs and loss of reproductive ability, from the $250,000 cap that H.R. 5 imposes on non-economic damages.

As individuals who are blessed to have all of our limbs and use of all of our senses, it is difficult to understand how challenging day-today life can be for someone who lacks these things.

However, it is nearly impossible to imagine the stress and challenges faced by someone who has suffered irreversible bodily injury because of the negligence of another.

Imagine going to the hospital for minor pain and leaving with no limbs because of thoughtless mistakes made by the trained experts who are supposed to take care of you.

For Connie Spears, a Texas woman from Judiciary Chairman SMITH's district, this exact nightmare is a reality. As a patient who had dealt with blood clots in the past, and had a filter installed in one of her heart's main arteries, Ms. Spears went into a San Antonio hospital complaining of leg pain. She was made to wait, eventually treated, and was discharged.

However, three days later, when her legs were the color of a cabernet and she was delirious, she called 911. When Spears, who was rendered unconscious, was treated at a different hospital, they determined that the filter in her artery was severely clotted and had caused tissue death in her legs, as well as kidney failure. Weeks later, Connie Spears regained consciousness, and learned that doctors had to amputate not one, but both of her legs in order to save her life.

As a result of negligence by the emergency room doctors who initially treated Ms. Spears, she lost her legs, and nearly her life. To make matters worse, when she attempted to seek the aid of a lawyer to handle her case, she was unable to find an attorney to represent her. She was repeatedly told, ''You have a great case, but not in Texas.''

In 2003, state lawmakers in Texas passed tort reform laws, similar to the one proposed today, that make it extremely difficult for patients to win damages in any health care setting, but especially emergency rooms. It caps damages at $250,000, like H.R. 5, and requires patients to prove that emergency room doctors acted with ''willful and wanton'' negligence—a near impossible standard to prove. A plaintiff would essentially have to show the medical professional or company had a vendetta against them to recover.

This nightmare has also become a reality for Jennifer McCreedy, a San Antonio single mother who fell and severely injured her ankle and sought treatment at an emergency room. Despite the severity of the break, the bone in her ankle was never set, a common practice done to prevent excess swelling, and she was not seen by an orthopedic surgeon. She was sent home and told to wait until the swelling went down.

However, the swelling did not go down, and a surgery that should have only taken one hour, took four. Because of the swelling, the surgeon had to slice her Achilles tendon, and wounds that refused to heal required grafts.

To date, Ms. McCreedy has endured five surgeries and has been rendered permanently disabled, curbing her ability to work and provide for her family. As a result of the negligence of those emergency room doctors, Ms. McCreedy went from a hard working, financially secure mother and homeowner, to dodging creditors and nearly losing her home to foreclosure.

For victims of malpractice who have suffered irreversible injury, like Connie Spears and Jennifer McCreedy, it is impossible to put a price tag on the stress and pain and suffering they have already endured.

Furthermore, it is outrageous that we would attempt to pass a law that puts a cap on the future challenges they are sure to face. It is inhuman to neglect the emotional price paid by victims of egregious acts that result in such serious, irreparable harm.

We should not deprive patients who have suffered injury as a result of one of these drugs or devices of the right to receive compensation from the manufacturer or distributor of such.

As we strive to become a healthier, more competitive nation, we need all the outstanding doctors, nurses and other health care providers we can get. They must be unconstrained by excessive health care liability premiums. We also need our nation's students to be excited and encouraged to enter the life sciences without the fear of being crushed under the weight of excessive liability premiums.

Placing caps on medical liability recovery does not necessarily lead to lower liability insurance premiums for doctors and health care providers. In fact, there is evidence that insurance companies have raised premiums in states like my home State of Texas and in California which use medical liability caps to reap an unearned profit at a time when health care lawsuits and the damages from those lawsuits were declining.

If it is the intention of this House to pass legislation that will reform the system of medical malpractice liability in a sensible manner, then it is imperative that we strongly consider the amendments offered by myself and my Democratic colleagues last night.

Let's not send a flawed bill to the Senate.

Again, I would like to thank the Chairman and Ranking Member for their work on these bills—though I hold out hope that Members of the Judiciary Committee and this body could come together for the good of the American people.

IN RECOGNITION OF THE THIRD ANNUAL 2012 HARLEM FINE ARTS SHOW

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. RANGEL. Mr. Speaker, I rise today in celebration of National Black History Month to recognize the prestigious Third Annual 2012 Harlem Fine Arts Show at Harlem's historic cathedral, The Riverside Church. The Harlem Fine Arts Show, HFAS, is one of the nation's largest and most prominent collections of works, paintings, photographs and sculptures by both established and emerging African American artists from around the world. The HFAS always takes place during National Black History Month and this year's exhibition kicked-off with a Diversity Prep Youth Day/Fine Arts Exhibit and Opening Preview Reception on Friday, February 3, with exhibitions on Saturday, February 4 and Sunday, February 5.

Created by Dion Clarke, the Harlem Fine Arts Show was built upon the tradition of the long-established Black Fine Arts Show, which for fourteen years was the premiere show for exhibiting modern and contemporary art and highlighting some of the most diverse and exciting contemporary popular art. As stated by Mr. Clark. ''Our event is one of the largest collections of African American art ever assembled for a fine arts show, representing more than 100 artists—a dramatic reminder during Black History Month of the tremendous contribution of African and Caribbean American artists to the global fine arts landscape.''

This year's theme, ''A Global Celebration'' shines a spotlight on artists around the world. The HFAS will feature the art produced by African Americans within our community and from around the world illustrating shared ancestries, injustices, and shared pride. Our Afrocentric art provides a deep sense of connection between generations of Americans and events they may have only heard about. The art of our people demonstrates the struggle, the pain, and the hardships we have endured, and celebrates the joy, the accomplishments and achievements of our past, present and future.

The three day global celebration will showcase the explosion of culture that began with the Harlem Renaissance in the early nineteen hundreds and will include contemporary artist exhibitors and nationally renowned regional galleries. The Harlem Fine Arts Show is pleased to have John Martin, a seasoned exhibition designer of the JP Martin Group, bring together the artwork of some of the most accomplished and influential American artists of African and Hispanic descent.

The renowned photography of James Van Der Zee (June 29, 1886–May 15, 1983), a prominent documentarian of Harlem, New York from 1915 to 1960, will be among the featured artists who also include:

Hérold Alvares, a Haitian artist born without arms due to a congenital birth defect who began painting at the age of eight, who teaches art to disabled children at St. Vincent's Center for Handicapped Children in Port-au-Prince, Haiti.

Stacey Brown, a visual artist whose creations on glass are inspired by his background in graphic design, with flowing shapes and

contours that express contemporary and edgy artistic style, whose work has garnered acclaim from the Atlanta Journal Constitution, Décor Magazine, and BET's hit reality show, College Hill.

Frank Frazier, a Harlem native whose art career spans over 50 years of perseverance and inspiration, whose genius works depict everything from antagonistic war to jovial jazz concerts.

George Nock, a self-taught artist and former running back with the New York Jets and Washington Redskins, who has distinguished himself among the greatest sculptors of the twentieth and twenty-first centuries through his highly original bronzes.

Kerream Jones, whose work possesses a multifaceted and timeless quality that has led this prolific artist to receive commissions from Verizon Wireless, Pepsi, Upscale Magazine, Atlanta Tribune: The Magazine, the City of Chicago, and various non-profit organizations.

Gwendolyn E. Redfern, a North Carolina native and multi-talented artist who expresses life experiences through her pottery, painting, and mixed media collages.

Najee Dorsey, Founder of Black Art in America and a mixed media artist whose work pays homage to a cast of colorful characters, folk legends and heroes, as well as critiquing aspects of contemporary times.

In accordance with HFAS's commitment to our young scholars, the show will host Diversity Prep Day to give students the opportunity to explore the visual arts, mingle with the artists, and participate in a Youth Information Fair by the show's sponsors and partners.

Mr. Speaker, let me congratulate along with Founder Dion Clark, this year's Mistress and Masters of Ceremony, Barbara Smith and Dan Gasby for your ongoing contributions to Black and American culture. On behalf of my colleagues and a very grateful nation and in celebration of National Black History Month I salute and recognize all of our participating Harlem and world renowned artists and exhibitors of the 2012 Harlem Fine Arts Show.

HONORING AERAS AND THE NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES (NIAID) OF THE NATIONAL INSTITUTES OF HEALTH (NIH)

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. VAN HOILEN. Mr. Speaker, I rise today to commend Aeras and the National Institute of Allergy and Infectious Diseases (NIAID) of the National Institutes of Health (NIH) for their innovative partnership to conduct clinical trial research on a tuberculosis vaccine candidate. Aeras and NIAID are leveraging established NIAID-funded clinical trial networks in Africa including the HIV Vaccine Trials Network (HVTN), the HIV Prevention Trials Network (HPTN) and the International Maternal Pediatric Adolescent AIDS Clinical Trials Network (IMPAACT) to accelerate a multi-center Phase II clinical trial of a tuberculosis vaccine candidate.

The two partners are working together in a novel way that capitalizes on existing infrastructure and displays responsible stewardship of U.S. government resources. The partnership also showcases the innovative capacity of U.S.-based researchers and the willingness of the American people to engage in solving global health problems such as the TB epidemic.

Tuberculosis is the second leading infectious disease killer worldwide, taking the lives of 1.4 million children, women and men each year. It is extremely deadly for people living with HIV. As drug-resistant strains of tuberculosis evade the best tools we have to fight this disease, new tuberculosis vaccines hold promise to finally help eliminate this disease as a public health problem in a cost-effective way.

Aeras is a nonprofit product development partnership leading efforts to develop new vaccines against tuberculosis, with laboratory, vaccine manufacturing and office facilities in Rockville, MD. Aeras works globally with partners in government, foundations, academia and industry to advance the world's most promising TB vaccine candidates. I am proud to serve the Congressional district where both Aeras and NIH are engaging in cutting-edge research at the forefront of solving devastating health problems. I hope to see the continuation and expansion of important research partnerships that hold promise to save millions of lives, create a world free from TB and secure our country's place at the forefront of world-class research.

A TRIBUTE TO JIM LEWIS

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor Mr. Jim Lewis on the occasion of his retirement. Mr. Lewis has contributed over thirty-three years of faithful service to the School District of Philadelphia.

Since 1981, Jim has worked for the School District of Philadelphia in various capacities, serving as a Maintenance Mechanic, Foreman, Supervisor, and Compliance Officer; an Assistant to the Chief Operating Officer, and eventually as Senior Vice President for Facilities and Operations and for Special Projects. A registered Master Plumber for twenty-five years, Jim is also the President and CEO of ''Just in Time'' Plumbing and Heating. He benefitted greatly from this body's enactment of the 1973 Comprehensive Employment Training Act, which helped give him the skills he needed to succeed.

Mr. Lewis's accomplishments and contributions to his community stretch far beyond his employment. He is a past President and current board member of the Emerald Education Committee, of which he has been a member for 32 years; and a current member of the Masons. Jim has been involved in politics for the past thirty years, and serves as a Committeeman for the 58th Ward, 41st Division. He has been married for thirty-two years to Eileen Lewis, with whom he has raised two children, Jim and Christine.

Mr. Speaker, I encourage my colleagues to join me in thanking Jim Lewis for his years of service and dedication to the School District of Philadelphia and for his greater service to his community.

PROTECTING ACCESS TO HEALTHCARE ACT

SPEECH OF

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

The House in Committee of the Whole House on the state of the Union 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:

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chair, I rise today in opposition to H.R. 5, legislation which makes it more difficult for injured patients to hold medical providers, the drug industry, insurance companies, and nursing homes accountable for patient deaths and injuries. The so-called ''Protecting Access to Healthcare Act,'' is simply the same, repackaged tort reform proposal that has been considered on the House floor many times. This ''medical malpractice'' bill is a one-size-fits all, anti-individual rights bill that denies individuals their rights to redress when injured.

The medical liability components of H.R. 5 do little to control health care costs and do more to undercut the rights of patients. The $250,000 cap and high standard of proof for punitive damages would severely weaken the deterrent effect that punitive damages have on egregious misconduct. Forever freezing the damage caps further weakens future deterrent effects while further reducing benefits to injured parties.

According to the Institute of Medicine, approximately 98,000 people die each year in the United States from preventable medical errors. The best way to lessen healthcare costs associated with malpractice is to reduce incidents of malpractice, not bargain away the legal rights of injured patients and consumers. This bill does nothing to address patient safety, quality measurement, and care improvement strategies that could actually reduce costs.

Mr. Chair, H.R. 5 will not do anything to lower the cost of health care. If the compensation for injured patients is not sufficient, American tax payers will be left to pick up the tab. I urge my colleagues to consider very carefully who will end up paying at the end of the day.

RECOGNIZING THE 191ST ANNIVERSARY OF THE INDEPENDENCE OF GREECE

HON. MICHAEL G. GRIMM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. GRIMM. Mr. Speaker, today, as we honor the 191st Anniversary of Greek Independence, it gives me great pride as a member of the Congressional Hellenic Caucus in celebrating the ties that connect our two great democracies together as both friends and allies.

In celebrating this day we also honor the accomplishments of Greek Americans, many of which first immigrated to our country and made their homes in New York, and the fantastic contributions they have brought to our

country as a whole. I represent the 13th Congressional District of New York and am proud to have a large and thriving Greek American community in my district. Anyone who visits the remarkable cultural festivals thrown by the Holy Cross Orthodox Church in Bay Ridge, or the Holy Trinity/St. Nicholas Greek Orthodox Church on the West Shore of Staten Island, can attest to the strength of, and support for, the Greek-American community in Staten Island and Brooklyn.

Greek Independence Day is an opportunity for all Americans to reflect on our nation's own freedom. We must not forget that when the United States was first conceived, many of its ideals and laws were based on those of the Greeks. Just seeing the artwork right here in the United States Capitol or reading through our constitution exemplifies the profound impact the people of Greece have made on our modern society.

It is with great pride that I rise today to honor the independence of a nation that, for centuries, has protected the fundamental rights of liberty and participation in the democratic process. I have seen the positive cultural heritage Greek-Americans bring to local communities firsthand in Staten Island and Brooklyn, and I am sure that the shared bond between our two great nations will remain rock solid for many years to come.

ON THE INTRODUCTION OF THE MEDICARE ADVANTAGE PROGRAM INTEGRITY ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. STARK. Mr. Speaker, I rise today to introduce the Medicare Advantage Program Integrity Act. My legislation will make commonsense payment reforms to the Medicare Advantage (MA) program to ensure that taxpayers get the best bang for their buck. The Medicare Advantage Program Integrity Act requires that Medicare Advantage payments more accurately reflect the health status of their enrollees. In addition, the bill ends the ability for Medicare Advantage plans to game the system by retaining investment income from pre-payments. Taken together, these policies will save over $20 billion over ten years, protecting both taxpayers and beneficiaries.

The MA program has grown substantially in recent years, increasing from $65.2 billion in plan payments in 2006 to $116.1 billion in 2010. Today, 25 percent of Medicare beneficiaries are enrolled in a private health insurance plan through MA. Congress took action through the Affordable Care Act (ACA) in 2010 to substantially reduce historical excessive base payment rates in MA. However, these plans continue to be overpaid relative to traditional Medicare, both in terms of base rates that exceed the cost of traditional Medicare in many geographic areas and because payments do not accurately reflect the health status of enrolled beneficiaries.

Because plan payments are adjusted for health states such that plan payments are increased as anticipated service use increases, plans have an incentive to ''up code'' and report less healthy patients. In fact, documented independent evidence shows that Medicare Advantage plans do tend to report higher patient severity than is supported by medical records. The data also show that reported patient severity in MA plans increased faster than for comparable patients in traditional fee-for-service Medicare (FFS) over the same time period.

In an attempt to address this issue, CMS reduced MA beneficiary risk scores (which are used to adjust base payments) by 3.41 percent when calculating payment rates in 2010 and 2011. However, a Government Accountability Office (GAO) report, Medicare Advantage: CMS Should Improve the Accuracy of Risk Score Adjustments for Diagnostic Coding Practices (January 12, 2012) found the Medicare program continues to overpay MA plans despite the Centers for Medicare and Medicaid Services' (CMS) effort to adjust payments to more accurately reflect the health status of plan enrollees. GAO estimated that in 2010, MA beneficiary risk scores were at least 4.8 percent, and perhaps as much as 7.1 percent higher than they would have been if the same beneficiaries had been continuously enrolled in traditional Medicare. GAO recommended that CMS take additional steps to improve the accuracy of these scores and estimated that the recommended methodological improvements would have saved the Medicare program $1.2 to $3.1 billion in MA plan payments in 2010 alone.

My legislation implements the GAO recommendations by codifying and phasing in the higher coding intensity adjustment over several years to prevent disruption in the market. The policy in this legislation would culminate in a 7.1 percent downward adjustment by 2019. GAO's findings indicate that a coding adjustment of up to 7.1 percent is warranted now and would yield billions of dollars in federal savings.

Under current law, CMS makes advanced capitated payments to Medicare Advantage plans at the beginning of every month for each beneficiary enrolled in their plan. MA plans often then invest these Medicare funds in interest-bearing accounts until the money is needed to pay for services. Current law does not prohibit Medicare Advantage plans from retaining the investment income on the pre-payments. However, the HHS Office of Inspector General (OIG) points to the Federal Employees Health Benefits Program (FEHBP) as a model, noting that in contrast to Medicare Advantage, insurance companies' ability to earn investment income is limited under FEHBP. The HHS OIG conducted audits in 2000 and 2011 and concluded that if Medicare delayed pre-payments to Medicare Advantage plans by 46 days (similar to FEHPB), the Medicare Part A and B trust funds would have earned $450 million in interest income in Calendar Year 2007—rather than allowing that interest income to go to private health insurance plans. The Inspector General recommended that the Medicare program follow the FEHBP policy of delaying pre-payments to Medicare Advantage plans.

My legislation implements the Inspector General's recommendations by phasing-in a delay in the payments to Medicare Advantage plans. Taken together, these two policies will save federal taxpayers more than $20 billion while protecting beneficiary access to Medicare Advantage plans.

The Medicare Advantage Program Integrity Act has been endorsed by the Medicare Rights Center, the Center for Medicare Advocacy, AFL–CIO, Families USA, the National Committee to Preserve Social Security and Medicare and the Alliance for Retired Americans. This is a commonsense piece of legislation that attacks waste at its source and improves the program without hurting real people. I urge all of my colleagues to support the bill.

HONORING THE LIFE AND SERVICE OF MARINE CORPS CAPTAIN MICHAEL QUIN

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. WOLF. Mr. Speaker, today I rise to honor the life and service of Marine Corps Captain Michael Quin, who tragically lost his life, along with others, during the final training mission before his unit's scheduled deployment to Afghanistan. Captain Quin is a native of Purcellville, Virginia where his parents, Brad and Betsy still reside.

Captain Quin graduated from Loudoun Valley High School and received an appointment to the United States Naval Academy, where he graduated in 2006. Michael went on to successfully complete flight school and receive his wings in 2008, graduating at the top of his flight school class. Michael rose quickly as a pilot from 2nd Lieutenant to Captain and was in command of a helicopter.

On February 22, Captain Quin was conducting a training mission at the Yuma Training Range Complex in Arizona when his helicopter collided with another, killing six out of the seven pilots in his squadron. Captain Quin was remembered by the commanding officer and gunnery sergeant of the 3rd Marine Aircraft Wing as ''one of those rare young captains'' who inspired admiration from all those with whom he served.

Captain Quin's service has been reported on by the Leesburg Today, which I submit for the record, as well as the Loudoun Times Mirror, Purcellville Gazette, and the Blue Ridge Leader. Captain Quin was honored by residents of Purcellville when his body made the return trip from Arizona to Reagan National Airport and finally back home to his family. Marines old and young, police, firefighters, and Boy and Girl Scouts turned out to show their respects for Captain Quin and to show support for his parents, siblings and fiancée.

Captain Quin was an example of leadership and patriotism of which we all can be proud. He chose to serve his country during extremely difficult times and was prepared to wear the uniform of the United States Marine Corps into battle to protect his family and his country. That he lost his life in service to his country is a testament to his bravery.

Mr. Speaker, I ask that the thoughts and prayers of the full House of Representatives go out to the Quin family as they honor the exceptional life of their son, Marine Corps Captain Michael Quin.

CAPT. QUIN REMEMBERED: ''HE WAS THE BEST''

The tragic impacts of the nation's war effort again are being felt in Loudoun, with the death of U.S. Marine Corps Capt. Michael Quin. The Purcellville resident and 2002 Loudoun Valley High School graduate was

killed last week when two helicopters collided while training in Arizona in advance of a deployment to Afghanistan.

Mourned by his parents, sisters and fiancée, the death of the 28-year-old naval aviator also has hit the Purcellville community, one that just two years ago paid tribute to another fallen serviceman, Army Specialist Stephan Lee Mace, who was killed in Afghanistan in a fierce firefight with the Taliban. Flags in town will fly at half staff until Quin's burial service at Arlington Cemetery. As of Tuesday, plans for services in Purcellville and at Arlington had not yet been finalized.

Michael lost his life, along with six others, in a remote area of the 1.2 million-acre Yuma Training Range Complex in Arizona during the two-week ''Scorpion Fire'' training mission that was to have been his last before being deployed to Afghanistan in April.

After graduating Loudoun Valley High School, he graduated from the U.S. Naval Academy in 2006 and joined the Marine Corps.

The tragedy of Quin's death was compounded in that he was in the last stages of his training before his deployment to Afghanistan. It was the last qualification that he needed to emerge with ''top gun'' status for helicopters.

Quin had recently become engaged, and had planned to spend a week away with his fiancée before coming home for four or five days with his family before leaving in early April for Afghanistan.

His parents Brad and Betsy Quin had seen the report of the fatal crash and when they didn't get a reassuring phone call from their son that all was well, they began to worry.

When the Marine officers were sent to deliver the news, both parents were at work, his father in Reston, and his mother in Leesburg.

Brad Quin was at lunch, so the officers waited. When he was told there were officers waiting to see him: ''I knew,'' he said.

The town has rallied around the Quins and their daughters, Phoebe and Sarah. Brad Quin is a former president of the Locust Grove Homeowners Association and Betsy Quin serves on the board of the HOA's Architectural Review Board. He has been in the college and university world all his life and in admissions and worked for the College Board. Betsy Quin was in the reference department at Rust Library in Leesburg.

Mayor Bob Lazaro and his wife Carolyn are friends and neighbors of the Quins, whom Lazaro called ''pillars of the community.'' He credited Brad Quin with being ''the horse power'' behind the Purcellville Volunteer Fire Department's recruitment effort that has led to a doubling of the size of the company.

This week, the support of the 100-strong company, the town and area residents are helping the Quins deal with the loss of their first-born child.

Capt. Quin's squadron will have a memorial service for him Friday, which his parents will attend before returning to Purcellville. Brad Quin said he hopes the Corps will release his son's body soon. He will return home with a Marine Corps escort, flying into Reagan National Airport where the Washington detachment of the Marine Corps will hold an arrival ceremony before the long trip back to Purcellville to Hall Funeral Home.

Looking back on his son's life, ''He was the kind of kid who didn't really require much correction from us,'' his father said, noting Michael Quin seemed to have the ability to naturally make good choices in life. Before 9/11 patriotism welled up in the country, Michael was like other kids of his generation—dedicated to his family, sisters, studies and his soccer team.

Brad Quin has been in the college world all his career, but was somewhat surprised by his son's choice of the Naval Academy, not the most obvious fun and typical fraternity college opportunity. ''But he wanted to express what he wanted to be as a person,'' he said.

Michael Quin seemed to have this sense of looking at ''something else down the road,'' to his decision to join the Marine Corps, his father said. When Brad Quin asked him why he had applied to join the Corps, his son seemed to appreciate the support system the force represented, the way its members gave each other total support no matter their function or level within the Corps.

At the Naval Academy, it was tough going at first. The curriculum is heavy on science, and students graduate with bachelors of science degrees, even if you're studying history and Spanish, as Michael Quin did. But he sucked it up, did what he was supposed to be as a plebe—invisible.

''I could see he was growing, and he had this sense of something else coming down the road,'' his father said, noting that perception has been borne out by statements posted on the website set up to collect memories and tributes, www.michaelquin.com.

As a 2nd lieutenant, Michael Quin chose to be a naval aviator. He learned to fly planes first at the naval base at Pensacola, FL, before moving on to helicopters.

Intermittently, during training, he hooked up with a squadron in Atlanta, GA, and there was a mutual adoption. When after two years the young 2nd Lieutenant was ''winged'' Dec. 2, 2008, they all supported him. His parents' pride in those naval aviator's wings of gold ''is more than you can imagine,'' Brad Quin said.

From there, Capt. Quin immediately went to the West Coast where the Marine Corps were forming new squadrons. He rose through the ranks to 1st Lieutenant in command of his first ship, then to captain. He was No. 1 in the Marine Corps' flight school, where he chose to fly Hueys.

His closeness to and support of others was noticeable during a tough time in which additional training and certifications were needed to join a helicopter ''fraternity of very capable guys,'' his father said.

His commanding officer was a ''tough, square-jawed Marine, with a call sign of 'Beast,'" Brad Quin said. When the CO called him last Friday, after introducing himself, he revealed he had lost six of seven pilots from his squadron.

There were 100 Marines working on the aircraft. When the lieutenant colonel said he had asked the crews to tell him about Capt. Quin, the officer himself became choked with emotion. There was enormous support and liking for Michael Quin, whom the crews thought one of ''those rare young captains,'' who didn't denigrate them but lived out the tradition that everyone supports those who do the dirty work.

For Brad and Betsy Quin, it is comforting to know that a wizened gunnery sergeant told his CO that in all his life in the force, ''he was the best.''

For now, it is the support of the Purcellville community that is a huge comfort. Brad Quin is a volunteer certified firefighter, vice president and chairman of membership for the company.

''How supportive everyone has been, the fire department and the town, just like a big family.''

The loss has hit home in Purcellville and in the fire company. To lose your life when you're ''training to do what you do is horrific,'' Purcellville Volunteer Fire Company Chief Bob Dryden said. To be one of the top students in flight school, as Michael Quin was, and ''this is the way you go out after spending all that time—it's not fair.''

Dryden has been in constant touch with the Quins. ''Once we know the final date [for burial in Arlington], the company will begin its planning in earnest,'' something along the lines of the plans and ceremony for Mace two years ago.

''We'll welcome him home in the proper way,'' Dryden said.

Mace was killed Oct. 3, 2009, along with seven other U.S. soldiers, defending the Camp Keating outpost in the Nuristan province of Afghanistan against more than 300 Taliban and other insurgents. Mace was a 2005 Loudoun Valley graduate.

PERSONAL EXPLANATION

HON. MARTIN HEINRICH

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. HEINRICH. Mr. Speaker, on March 19, 2012, I unfortunately missed rollcall vote No. 111. If I had been present, I would have voted in favor of rollcall vote No. 111, Representative BERMAN's (CA–28) bill, H.R. 3992.

PROTECTING ACCESS TO HEALTHCARE ACT

SPEECH OF

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

The House in Committee of the Whole House on the state of the Union 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;

Mr. PASCRELL. Mr. Chair, I rise today in reluctant, but strong, opposition to this bill. I say reluctant, because I support repealing the Independent Payment Advisory Board, as do many Democrats.

Now, make no mistake, I strongly support the Affordable Care Act. This bill will lower costs, strengthen Medicare, and provide 33 million uninsured Americans with health insurance. This is a tremendous accomplishment. But I have concerns with IPAB, including how it will operate and that it gives up important Congressional authority over pricing. Abdicating our responsibility is not the right thing to do for our seniors. I was elected by my constituents to protect Medicare.

I supported this bill in the Ways and Means Committee, and I would love to support it on the floor. That's why it's so disappointing that the majority would abandon any semblance of compromise by attaching this sharply partisan medical malpractice proposal. Capping malpractice settlements limits patient protection. There's no question that we need to protect health care providers from frivolous litigation, and I am willing to work in a bipartisan way to develop those protections. But not at the expense of the vast majority of Americans who have, for too long, lived without access to affordable quality health care, and who should

also be afforded the fullest protection of our legal system.

I urge a no vote and I hope that the Majority comes to its sense, embraces bipartisanship, and comes back with a bill I can support.

CELEBRATING STEVE TOTH, THE EXECUTIVE DIRECTOR OF THE BOYS AND GIRLS CLUB OF TROY, MI

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. PETERS. Mr. Speaker, I rise today to recognize Steve Toth, the Executive Director of the Boys and Girls Club of Troy, on the occasion of his retirement, after 16 years of service.

Steve's service to the Troy community has extended well beyond the walls of the Boys and Girls Club. He has been a leader—taking action and bringing elements of Troy's diverse groups together to build a stronger, more connected community. For the last 15 years, he has been a member of the Troy Kiwanis Club and served terms as its Treasurer and President. Furthermore, he has volunteered his time mentoring youth in sports and spent the last eleven years as a soccer referee and trainer for middle school students. Steve has also been active in his church and has taken time each of the last three years to deliver food containers to seniors living in Troy.

Steve's passion and dedication for helping others have not only earned him the respect and praise of other community leaders, but a number of awards and recognitions. Among those honors is a 2004 Rev. Dr. Martin Luther King, Jr., ''Keep the Dream Alive Award'' from the Archdiocese of Detroit for his support of the South Oakland Shelter project and his Parish's Giving Tree Programs. Steve has also been recognized by Leadership Troy as Troy's Outstanding Citizen of the Year in 2009 for his volunteer work in the community.

However, among all of his endeavors in the last 16 years, there is nowhere Steve's passion, vision and service have been more profoundly felt than at the Boys and Girls Club of Troy. When Steve arrived at the Club, he brought with him his 18 years of prior experience as an Executive Director for two of the YMCA's centers in Michigan. In 2006, after a decade of work at the Boys and Girls Club, Steve used his knowledge and experience to engage its board and the broader community in a campaign to construct a new 18,000 square foot, state-of-the-art, facility. This facility had allowed the Club to offer an innovative and comprehensive set of programs that help its 30,000 annual attendees build their leadership skills and take an active role in shaping their futures for the better.

Mr. Speaker, I ask my colleagues to join me in celebrating Steve's impact not only on the Troy community, but on the youth whose futures he has helped to build. I know he will surely be missed by all who have benefitted from his wisdom, his passion and his determination to engage our youth. I wish Steve many years of happiness in retirement, with his wife Ann and their family and I know he will continue to heed the call to serve the Troy community.

CELEBRATING THE 200TH ANNIVERSARY OF BOYER LODGE NO. 1 FREE AND ACCEPTED MASONS PRINCE HALL AFFILIATION OF NEW YORK CITY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. RANGEL. Mr. Speaker, I rise today in recognition of National Black History Month to celebrate the 200th Anniversary of Boyer Lodge No. 1 of the Free and Accepted Masons Prince Hall Affiliation of New York City. February 16, 1812, marked the birth and beginning of Prince Hall Freemasonry in the State of New York. The Charter was issued by Peter Lew, Grand Master of the Prince Hall Grand Lodge of Massachusetts.

History notes that Boyer Lodge No. 1 was named after Jean Pierre Boyer, a native of Saint-Domingue, who was born around February 15, 1776. He was a courageous soldier and leader of the Haitian Revolution, who served as a General under Toussaint L' Ouverture in the Haitian War of Independence against the French Government. Jean Pierre Boyer served as the fourth President of Haiti from 1818 to 1843, and managed to rule for the longest period of time of any of the revolutionary leaders of his generation. He reunited the north and south of Haiti in 1820 and also invaded and took control of Santo Domingo, which brought all of Hispaniola under one government by 1822. Under President Boyer's leadership, Haiti declared independence from France in 1825, becoming the only free Black nation, then in existence.

As stated by Worshipful Master Carlo Smith-Ramsay, ''The daring price that our ancestors paid to boldly and audaciously decide to become Freemasons at a time in history when men of color were not entirely free men and the laws of the land provided them very little protection is the reason why we should humbly and reverently celebrate our Bi-centennial Anniversary of Boyer Lodge No. 1.''

President Jean Pierre Boyer recruited freed American blacks to immigrate to the Republic of Haiti, using advertisement opportunities in newspapers, promising free land and political opportunity to black settlers. He sent agents to black communities in the United States to convince them that Haiti was a sovereign state and open to immigration only for blacks. In September of 1824, nearly 6,000 Americans, mostly free people of color, migrated to Haiti within a year, with ships departing from New York, Baltimore and Philadelphia. Unfortunately, due to the poverty of the island and the inability of President Boyer's administration to help support the new immigrants in the transition most returned to the United States. Boyer ruled the island of Hispaniola until 1843, when he lost the support of the ruling elite and was ousted. He was later exiled to France where he died in 1850.

Since its founding, Boyer Lodge #1 has met continuously for One Hundred and Ninety Four years. In 1826, The Prince Hall Grand Lodge of Massachusetts helped further expand Black Freemasonry in New York State by the Chartering of Celestial Lodge, Rising Sun Lodge and Hiram Lodge. On March 14, 1845, further progress was achieved when Boyer Lodge #1, Celestial Lodge #2, Rising Sun Lodge #3 and Hiram Lodge #4 convened and erected Boyer Grand Lodge of New York. Thus becoming, ''The Most Worshipful Prince Hall Grand Lodge of the State of New York.''

Prince Hall Freemasonry derives from historical events which led to a tradition of separate predominantly African-American Freemasonry in North America. It consists of independent Grand Lodges, which are considered regular by the United Grand Lodge of England. Prince Hall was born in 1735 and was a tireless abolitionist and a leader of the free black community in Boston. Hall tried to gain New England's enslaved and free blacks a place in some of the most crucial spheres of society, Freemasonry, education and the military. He is considered the founder of ''Black Freemasonry'' in the United States, known today as Prince Hall Freemasonry. Prince Hall formed the African Grand Lodge of North America.

On March 6, 1775, Prince Hall was made a Master Mason in Irish Constitution Military Lodge No. 441, along with fourteen other African Americans: Cyrus Johnston, Bueston Slinger, Prince Rees, John Canton, Peter Freeman, Benjamin Tiler, Duff Ruform, Thomas Santerson, Prince Rayden, Cato Speain, Boston Smith, Peter Best, Forten Horward, and Richard Titley, all of whom apparently were free by birth. Prince Hall was unanimously elected its Grand Master and served until his death in 1807. Most Worshipful Grand Master Prince Hall is considered the first black community activist of his time, who made many appearances before the Boston City Council and Massachusetts Colony Legislature. Prince Hall had a passion for learning and education and operated a school in the basement of his home. He also lobbied tirelessly for education rights for black children and a back-to-Africa movement. Many historians regard Prince Hall as one of the more prominent African American leaders throughout the early national-period of the United States.

The Prince Hall Lodge, formerly known as the African Lodge is the oldest fraternal organization in the country and has been a leading influence in the lives of black men in America. During the abolitionist movement, African American churches and the Prince Hall Lodges emerged at the forefront of the struggle. As stated by Most Worshipful Grand Master Reverend Dr. Gregory R. Smith, ''In essence, and more often than not, members and church members were one and the same. This was the case with both Lattion, who was the First Worshipful Master of Boyer Lodge and a member of Mother African Methodist Episcopal Zion Church, and James Varrick, the first Bishop of the African Methodist Episcopal Zion Church and charter member of the Boyer Lodge.''

Both the church, particularly the Mother AME Zion Church, formerly known as the ''Freedom Church'' and the Masons played prominent roles in the Underground Railroad. Many Masons were captains and conductors on the Railroad and Mother Zion earned its ''Freedom Church'' name by being one of the major stops on this complex network, which contributed to the freedom of more than 100,000 slaves. Today, the Mother AME Zion Church is the oldest existing African American institution in New York—and Boyer Lodge is the oldest lodge in the Prince Hall fraternity and the third oldest African American institution in New York State.

Mr. Speaker, let me join my fellow brethren and a very grateful nation as we celebrate during National Black History Month, the 200th Anniversary of Boyer Lodge No. 1, the first established Lodge of the Most Worshipful Prince Hall Grand Lodge of Free and Accepted Masons. Let me congratulate and recognize Worshipful Master Carlo Smith-Ramsay, leader of Boyer Lodge No. 1 and our 55th Grand Master of the Most Worshipful Prince Hall Grand Lodge of Free and Accepted Masons of the State of New York, Most Worshipful Reverend Dr. Gregory Robeson Smith, 33°, EdD, DMin, MBA, MDiv.

CELEBRATING THE GRAND OPENING OF MAXIM INTEGRATED PRODUCTS' FARMERS BRANCH CAMPUS

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. MARCHANT. Mr. Speaker, it is with great pride that I celebrate the grand opening of Maxim Integrated Products Inc.'s new campus in Farmers Branch, Texas on March 23, 2012.

As a semiconductor company headquartered in Silicon Valley, California, Maxim's presence in North Texas began in 2001 when it acquired Dallas Semiconductor. Maxim is an impressive Fortune 1000 business with annual revenues of $2.5 billion and approximately 9,300 employees worldwide, of which nearly 1,400 operate in Texas. The Farmers Branch campus will employ 800 people and is Maxim's second-largest site in the United States. It is the centerpiece for the design of integrated circuits and engineering as well as business management functions such as finance, marketing and customer service.

The 18.5-acre campus will be home to the 138,000 square-foot, employee-named Lone Star Building. The Lone Star Building will house 528 employees with the potential to accommodate a total of 650 people. The building is unique and features state-of-the-art, energy-efficient technology that includes automated lighting and control systems to reduce energy consumption by 37 percent. It also enjoys double-paned insulated windows with low e-coating, a chilled water air conditioning system and a roof that reflects heat.

Maxim has been active in the community by sponsoring the October 2011 Dallas Susan G. Komen ''Race for the Cure,'' with 80 employees participating. Through proactive environmental efforts, the site also recycled more than 90 tons of materials in 2010, including glass, cardboard, paper, metal, plastic and batteries.

Mr. Speaker, on behalf of the 24th Congressional District of Texas, I ask all my distinguished colleagues to join me in congratulating Maxim Integrated Products on the grand opening of its Farmers Branch campus. I am proud to represent Farmers Branch, and I am grateful for the hundreds of jobs the company provides to the North Texas community.

PROTECTING ACCESS TO HEALTHCARE ACT

SPEECH OF

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

The House in Committee of the Whole House on the state of the Union 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:

Mr. POE of Texas. Mr. Chair, ObamaCare is unconstitutional and must be repealed in its entirety. That is why I voted for the full repeal of the President's nationalized healthcare bill, including the Independent Payment Advisory Board (IPAB). I have also introduced legislation to defund the individual mandate provision of ObamaCare. Although I fully support the repeal of IPAB and have cosponsored legislation to repeal it (H.R. 452), I cannot support final passage of H.R. 5 because the bill includes provisions that I believe violate States' rights and the 10th Amendment. As a strict constitutionalist and a fierce defender of States' rights, I cannot accept replacing one unconstitutional law with another.

H.R. 5 imposes a Federal medical liability cap on the States. In effect, this allows the Federal Government to overrule the State governments that have decided to prohibit liability caps. Five States already have constitutional prohibitions on liability caps. I believe that H.R. 5 will supersede these State constitutions and override the will of those legislatures. I myself believe in medical liability caps, like we have in Texas; however, if another State's voters do not want such reform, that is their decision to make. And, their doctors are welcome to keep coming to Texas.

HONORING THE CAREER OF SERGEANT TOM BERGREN OF THE SAINT PAUL POLICE DEPARTMENT

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Ms. McCOLLUM. Mr. Speaker, today I rise to honor Sergeant Tom Bergren of the Saint Paul Police Department, and his retirement after 32 dedicated years of service.

Sergeant Bergren represents the finest example of a dedicated community law enforcement professional. His interest in public safety began early. As a child, he would visit his grandparents' home in Saint Paul to pick up local calls on the police scanners, longing to be the responder on the other end. His career formally began in Circle Pines, Minnesota, when in 1976 at 19 years old, he became a reserve officer. After 3 years of service to the residents of Circle Pines as a reserve officer, and later as a full time community-service officer, he entered the Saint Paul Police Academy.

After graduation, Sergeant Bergren served a number of different roles in the Saint Paul Police Department, including time as an officer in the K–9 unit and as an investigator in auto theft. Bergie, as he became known by those close to him, became a homicide investigator in 2004, ultimately this would be the role that would shape his career. This job demands the utmost dedication, and he not only exceeded these expectations, but inspired those he worked with to do so as well. It was this unrelenting dedication that would help him solve the biggest case of his career.

In 2007, a triple homicide took place in the North End Neighborhood of Saint Paul. Over 4 long years and hundreds of interviews, Sergeant Bergren tirelessly sought to bring closure to the families and bring the assailants to justice. It was this dedication that not only saw the conviction of the two perpetrators, but created a bond between Bergren and families of the victims.

Sergeant Tom Bergren's unparalleled commitment to serving the public has earned him many awards through the years. In 2007, he earned the Detective of the Year award from the Saint Paul Police Department, and just recently, he received a fourth Medal of Commendation from the city.

On his desk sits a sign from the mother of one of the victims of the 2007 homicide, which states ''never, never, never give up.'' On behalf of myself and all of the residents of Saint Paul, I want to thank Sergeant Tom Bergren for never giving up in his efforts to protect and serve the public.

Mr. Speaker, in honor of Sergeant Tom Bergren's 32 years of valiant and dedicated service, I am pleased to submit this statement for the CONGRESSIONAL RECORD.

H.R. 5 PROTECTING ACCESS TO HEALTHCARE ACT

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. RAHALL. Mr. Speaker, I rise today to voice the concerns raised by my constituents regarding the Independent Payment Advisory Board (IPAB).

Though I voted against H.R. 5, the Protecting Access to Healthcare Act, I, too, have concerns about an unelected, unaccountable board tasked with creating cost-cutting plans if Medicare spending exceeds certain levels. Though the Board is prohibited by law from cutting beneficiary policies, and the Congressional Budget Office predicts that a cost-cutting plan will not be triggered during this budget cycle, I urge my House colleagues to revisit this issue. We, as elected representatives of the people, have a Constitutional responsibility to ensure the voices of our constituencies are heard when it comes to the future of Medicare. Walling off those decisions, in order to expedite cost cutting efforts that lack sufficient popular support, is the surest way to a budgetary debacle.

We must preserve access to quality care, while containing costs, but we also must ensure an opportunity for the voice of the people to be heard and their needs to be taken into consideration.

CELEBRATING PASTOR EDWARD L. BRANCH AND THE CONGREGATION OF THIRD NEW HOPE BAPTIST CHURCH IN DETROIT, MICHIGAN

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. PETERS. Mr. Speaker, I rise today to recognize Pastor Edward L. Branch and the congregation of Third New Hope Baptist Church in Detroit, Michigan on the occasion of its 56th anniversary.

Over 50 years ago, Deacon John Cunningham and residents of Detroit came together in the fellowship of Christ to carry out the work of the Lord. Under its first leader, Pastor John L. Davis, the congregation found its first home on Carpenter Street in Detroit. As a testament to Pastor Davis' focus on missionary and outreach programs which guided lost souls, the congregation prospered and grew so extensively that Third New Hope had to move to a bigger space on Russell Street.

Following the departure of Pastor Davis in 1961, Third New Hope came under the ministry of Reverend G.P. Chapman. Reverend Chapman led the congregation with great passion, kindness and a strong conviction of faith. As a true servant to the Lord and his community, he was known as a compassionate man that, ''would give you the shirt off his back.'' Under his guide, Third New Hope created a youth choir, usher board, nurses guild, and more social outreach programs. Again, in recognition of the strong spiritual bond of the congregation to its community, Third New Hope saw its congregation expand and had to find a new, larger home on Linwood Street.

In 1977, after 16 years of service, Reverend Chapman retired and the call to lead Third New Hope was heeded by Pastor Edward L. Branch. A young, energetic and spiritually inspired leader, Pastor Branch placed renewed emphasis on the fellowship of the congregation and serving the needs of the community. Under his tenure, the congregation expanded its outreach with the Heritage Center for African American Religious Studies, Men's and Women's Ministry, Marriage Ministry and Pastoral Care. In addition to moving to its current site on Plymouth Road in Detroit, Pastor Branch led a campaign to raise money for a community center, paved three parking lots near the church, established The Watchmen (a ministry of men who are aimed at protecting the community from harm) and expanded the church to a second location, the Third New Hope West Campus.

Mr. Speaker, I ask my colleagues to join me today in recognizing the accomplishments of the congregation of Third New Hope Baptist Church in Detroit. Today, Third New Hope's two locations provide Metro-Detroit residents with spiritual guidance and vital social services. Over its 56-year history, the Church and its congregation's profound impact have been felt across our communities. I know that Third New Hope will continue to prosper under the leadership of Pastor Branch and I wish him and the congregation many more years of vibrant spiritual fellowship in Christ and service to the community.

PROTECTING ACCESS TO HEALTHCARE ACT

SPEECH OF

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

The House in Committee of the Whole House on the state of the Union 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:

Mr. SENSENBRENNER. Mr. Chair, I rise today to recuse myself from consideration of H.R. 5, the Protecting Access to Healthcare, PATH, Act.

I have long supported medical liability reform as a way to control rising health care costs and save taxpayer money. I also have deep concerns regarding the establishment of the Independent Payment Advisory Board and the potential it has to restrict access to health care services. However, because of my holdings in at least two corporations that would benefit directly if H.R. 5 is enacted into law, I have concerns that my involvement could present a conflict with my private economic affairs. While my participation in legislative consideration of H.R. 5 would not appear to violate current House Rules and established precedent, I want to dispel any appearance of conflict. I therefore recuse myself from consideration of this legislation.

SUPPORT OF H. RES. 568

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. COURTNEY. Mr. Speaker, I rise today in support of H. Res. 568, a bipartisan resolution reaffirming U.S. resolve to prevent Iran from acquiring nuclear weapons capability. I co-sponsored this resolution because of the critical importance to U.S. national security and regional stability to deny Iranian nuclear weapon capability through every diplomatic tool and pressure to avoid resorting to military force.

Reports of progress in Iran's nuclear program have been disconcerting. The November 2011 International Atomic Energy Agency report presented ''serious concerns regarding possible military dimensions to Iran's nuclear programme'' and asserted that ''Iran has carried out activities relevant to the development of a nuclear device.''

There would be devastating consequences for a nation that has threatened Israel's existence and poses significant security threats to its neighbors to acquire nuclear weapons. As President Obama said during his January 24, 2012 State of the Union Address, ''Let there be no doubt: America is determined to prevent Iran from getting a nuclear weapon.''

Since I entered Congress in 2007, I have stood firmly against nuclear proliferation to Iran. In 2010, I co-sponsored and supported through passage the Comprehensive Iran Sanctions, Accountability, and Divestment Act, which enacted sanctions against companies investing in Iran's energy sector. In addition, I am a cosponsor of legislation to expand sanctions against Iran, the Iran Threat Reduction Act (H.R. 1905).

It has been under President Obama's leadership and reinvigorated cooperation with allies and other nations that has ramped up the pressure to deny Iran weapons capability. President Obama entered office with the international effort to challenge Iran divided and in shambles. Immediately, the President rallied the international community to apply pressure in conjunction with the United States as a diplomatic force multiplier. Russia and China joined in a 2010 the U.N. Security Council comprehensive sanctions effort. These sanctions slowed the Iranian nuclear program and have levied damaging effects on the Iranian economy. The coalition held as we expanded a sanctions offensive against Iran's Central Bank and their oil exports.

These efforts make it clear that Iran must change its recent behavior and instead fulfill its obligations under the Nuclear Nonproliferation Treaty. The longer it takes Iran to change its course, the further cut-off it will grow diplomatically and the more strangled its economy will become. Now we must expand these efforts to increase sanctions, further isolate Iran, and explore every outlet to undermine the Iranian regime politically and seek real change in that country's leadership and political direction.

This resolution communicates Congressional unity with the Administration and determination to the international community to maximize every diplomatic and economic tool available to pressure and deny Iran nuclear weapon capability. To be clear, other options—such as the use of United States military force against Iran—require the deliberate and thoughtful consideration of this Congress, a power which I believe this resolution clearly preserves. I am co-sponsoring this resolution to continue our nation's effective, ratcheting pressure to force Iran on a new path and to avoid a subsequent request from the Administration some day to authorize the use of military force against Iran.

HONORING LONG-TIME LOS ANGELES RESIDENT AND DEDICATED COMMUNITY SERVANT: MS. IRENE PORTILLO

HON. JUDY CHU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Ms. CHU. Mr. Speaker, I rise today to recognize a great loss to our community, Ms. Irene Portillo, who passed away on March 13, 2012, after a valiant battle with cancer. My heart goes out to her two children, Desiree Portillo Rabinov and Darren Rae Portillo; her son-in-law, Paul Rabinov; her grandchildren Paloma Irene and David Darren Rabinov; her brothers Henry Jr., Armando, Mario and Arturo Esparza; her nieces and nephews; and all of her family and friends.

Irene was an extraordinary citizen of the city and county of Los Angeles. Born and raised in East Los Angeles and Boyle Heights, she led a life dedicated to community service and improving the lives of her fellow Angelinos.

Ms. Portillo's most lasting legacy was her service as founding member and Executive Director of Project Amiga, a non-profit, community based organization that provides education and computer training, support services, job placement and other assistance to at-risk youth and adults in Los Angeles County. Irene personally oversaw Project Amiga's training programs, and mentored many Welfare to Work participants and at-risk youth to help improve their lives and become self-sufficient.

Irene truly loved her community. Not only did she create a whole new organization in Project Amiga to provide badly needed support services for our most economically disadvantaged and vulnerable populations, but she also dedicated much of her life to educating and molding our youth. She did this through many different avenues, as a tenured instructor at Rio Hondo College and as a Presidential Appointee on the National Advisory Councils on Vocational Education and Women's Educational Programs.

Irene also worked hard to give folks a second chance at life, as the first Hispanic woman to manage one of the largest California State Employment Development Department offices. Through the EDD, she worked with felons recently released from the penal system and transitioning back into the community. Irene received many awards for her work, from L.A. Mayor Antonio Villaraigosa, Secretary of Labor Hilda Solis and many others.

I urge my House colleagues to join me in honoring Ms. Irene Portillo for her record of community service, her indomitable spirit and her remarkable service and contributions to her community and to our nation.

RECOGNIZING GILBERT HOLMES, EXECUTIVE DIRECTOR OF THE ACLU OF INDIANA, FOR A LIFE OF PUBLIC SERVICE

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. CARSON of Indiana. Mr. Speaker, on the occasion of his retirement, I would like to congratulate Gilbert Holmes for a lifetime of trailblazing leadership and devoted public service.

From humble roots growing up in Sparta, Illinois, Gil ascended to the rank of Lieutenant Colonel in the U.S. Army, where he served valiantly for twenty years, including in Vietnam and as aide-de-camp to Major General Frederic Davison.

Upon leaving the service, Gil applied his organizational acumen with venerable Hoosier organizations, including the Indianapolis Museum of Art, Methodist Hospital, and Lincoln National Corporation.

From 1989 to 1996, Gil rendered distinguished public service as Commissioner of the Indiana Bureau of Motor Vehicles, and later, as President and CEO of IndyGo.

Gil's career culminated in his selection as executive director of the American Civil Liberties Union of Indiana, where he has served ably for the past three years as both steward and advocate.

Gil has spent his life combating prejudice, proving skeptics wrong, and empowering those with whom he works to achieve great things. On March 31, 2012, Gil will retire, leaving behind a legacy of lives bettered by his mentorship and leadership. On behalf of the 7th Congressional District of Indiana, I wish him well in his retirement and extend to him our gratitude for his commitment to his fellow Hoosiers and to the advancement of civil rights for all.

PROTECTING ACCESS TO HEALTHCARE ACT

SPEECH OF

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

The House in Committee of the Whole House on the state of the Union 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:

Mr. TERRY. Mr. Chair, I support full repeal of the Independent Payment Advisory Board. The health reform law takes away power that has traditionally been left to Congress, and places health care decisions in the hands of an unelected, board of bureaucrats.

Unfortunately, the House has decided to attach a bipartisan bill to repeal the IPAB, with legislation that is unconstitutional and I believe a federalization of our tort reform system. This is a blatant violation of Article 1, Section 8 and a violation of the 10th Amendment.

Tort law is an area of law traditionally left completely to states discretion. In fact, it's one of the few rights left to the states. Most states have implemented some form of medical liability laws. It is not the federal government's role to say that one state's laws are better than another's or even mandate one state's beliefs on another.

Many of us believe the health reform law is a government takeover of our health care system. If one considers themself to be a true state's rights person, why do we give states the latitude and ability to do it, and then take it away with a one-size-fits all mandate from the federal government.

TRIBUTE TO PETE P. PETERS

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. COSTA. Mr. Speaker, I rise to pay tribute to the life of one of our Nation's most principled and generous business leaders, Mr. Pete P. Peters. Sadly, Mr. Peters passed away on March 13, 2012 at the age of 94. His remarkable impact on California's San Joaquin Valley will ensure that his legacy lives on for years to come.

The son of Armenian immigrants, Pete was truly a shining example of the American Dream. With hard work and perseverance, he and his family were able to become business leaders and generous community benefactors.

Mr. Peters, and his brother Leon, were both notable entrepreneurs; he was a self-trained engineer who pioneered a design for a stainless steel circular tanks that have been used for decades by winemakers worldwide. His innovative spirit and passion allowed the brothers to run Valley Foundry and Machine Works as a family operation.

Upon his retirement in 1989, Mr. Peters immersed himself in our community and was active in a number of organizations. He oversaw the Leon S. Peters Foundation and served as chairman of the Pete P. Peters Foundation. While he did not have the opportunity to go to college, Mr. Peters was an ardent advocate for higher education and felt it was necessary for young Americans have the opportunity to go to college, regardless of their financial circumstances. As a result, he was an enthusiastic supporter of colleges and universities in the San Joaquin Valley, including: California State University, Fresno (CSU Fresno), Fresno City College, and Reedley College.

Mr. Peters was also a supporter of Community Regional Medical Center, Valley Public Television, the San Joaquin River Parkway and Conservation Trust, and the San Joaquin Valley Winemaking Association. His numerous gifts to our Valley enhanced thousands of lives.

Recognizing his immense contributions to the San Joaquin Valley, California, and our Nation, CSU Fresno conferred on him an honorary doctoral degree—the CSU's highest honor.

Mr. Speaker, I ask my colleagues to join me in celebrating the life of Mr. Pete P. Peters. His humility and unwavering commitment to the improvement of our community not only made him an asset to the San Joaquin Valley, but a role model for our entire Nation.

PERSONAL EXPLANATION

HON. ADAM KINZINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. KINZINGER of Illinois. Mr. Speaker, unfortunately, I was unable to cast my vote on H.R. 886, which would request Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the United States Marshal Service. Had I been able to, I would have cast an ''aye'' vote in favor of the legislation.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was $10,626,877,048,913.08.

Today, it is $15,574,428,564,198.34. We've added $4,947,551,515,285.26 to our debt in 3 years. This is debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

TRIBUTE TO RICHARD MILANOVICH

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to a community leader and friend of mine, Richard Milanovich. Richard was the longtime chairman of Riverside County's Agua Caliente Band of Cahuilla Indians. On Sunday, March 11, 2012, Richard passed away at the age of 69 with his family at his bedside at Eisenhower Medical Center in Rancho Mirage. He will be deeply missed.

In 1942, Richard was born on the Soboba Reservation in the San Jacinto area and grew up in subsidized housing in Palm Springs. At that time, the tribe was almost entirely dependent on government help, eating out of government-issued cans. As a boy, he attended Cahuilla Elementary School and Palm Springs High School. After high school, he served honorably in the United States Army and in 1972 he returned to the Palm Springs area. He unsuccessfully ran for Tribal Council three times between 1972 and 1978. Finally, in 1978 he was elected to the Tribal Council and in 1984 he was elected Chairman. From 1984 to 1989, Chairman Milanovich helped craft groundbreaking land-use agreements with city of Cathedral City, city of Rancho Mirage, and Riverside County, modeled on an agreement struck with city of Palm Springs in the late 1970s, while he was a member of the Tribal Council. The intergovernmental deals were among the first of their kind and served as a model for Tribes throughout the rest of the country.

Richard Milanovich was an early proponent of allowing California tribes to have gambling on tribal lands. After the successful negotiation of the land-use agreements with local cities, Richard moved forward and in 1998 the Agua Caliente tribe, along with other tribes, pushed and passed Proposition 5 which allowed for gambling on tribal lands. Although the proposition was ruled unconstitutional, the tribes were able to later negotiate pacts with then-Governor Gray Davis and a subsequent proposition passed which put the pacts in place. Richard would later win another battle in 2008 when the voters approved a casino-expansion deal.

Richard never lost sight of the poor conditions that he grew up in and early on decided to become a champion for his people. He led the Agua Caliente tribe for nearly three decades and helped California tribes become self-sufficient moving many out of poverty through the success of the Indian casinos. Richard successfully negotiated on the local, state and federal level to advance the priorities of the Agua Caliente tribe and throughout his career he remained humble, compassionate, and engaging.

Richard Milanovich changed the course of history for California and, most importantly, for the Indian community in California. He saw circumstances that disadvantaged the Indian people and set about to change them. Milanovich never wavered in his commitment, and despite all obstacles persevered for the betterment of his tribe and the entire Indian community in California. His leadership, vision and uncompromising compassion were truly an inspiration to his people and testimony to his character.

On Wednesday, March 21, 2012, a memorial service celebrating Richard Milanovich's extraordinary life was held at the Palm Springs Convention Center. Milanovich will always be remembered for his incredible work ethic, generosity, contributions to the Indian Community and love of family. His dedication to his work, family, and tribe are a testament to a life lived well and a legacy that will continue. I extend my condolences to his family and friends; although Richard may be gone, the light and goodness he brought to the world remain and will never be forgotten.

PROTECTING ACCESS TO HEALTHCARE ACT

SPEECH OF

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2012

The House in Committee of the Whole House on the state of the Union 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:

Mr. TOWNS. Mr. Chair. I rise today to express my objections to the inclusion of H.R. 5, the HEALTH Act into H.R. 452, Medicare Decisions Accountability Act of 2011. Medical malpractice tort reform does not belong as a part of the repeal of the Independent Payment Advisory Board, or IPAB.

The HEALTH Act is an inherently flawed bill that should not be considered by the House and should not be included with H.R. 452. It does not fix the problem of medical malpractice or the supposed insurance "crisis". Instead, it takes control away from the states, where it belongs. This legislation was originally conceived over 20 years ago and has yet to pass both houses. There is a reason for that.

The cap imposed by H.R. 5 is both unjust and unfair. It does not take into account the severity of a patient's injury or whether negligence is at issue.

The real problem we are facing is patient safety. If we fix that, then there will be no need to try and take away from the states their right to legislate this issue. In a Wall Street Journal article, it was found that by focusing on patient safety, anesthesiologists went from being one of the most risky specialties to insure to having one of the lowest malpractice insurance premiums. In fact, their premiums are lower now than they were 20 years ago. We should not focus on medical malpractice tort reform, but rather education and training for medical professionals.

I am a strong proponent of repealing the IPAB, but cannot in good conscience vote for this bill because it is not a clean repeal.

The IPAB takes away from Congress the ability to determine Medicare payments to doctors and hospitals. It consists of 15 members who are unelected by the People, but rather are appointed by the President. The members of the IPAB are not accountable to anyone once appointed and therefore Congress loses much of the power it has to shape Medicare payment policies. By repealing the IPAB, the ACA will be strengthened, not weakened.

If this bill was as it was passed in both the Energy & Commerce and Ways & Means committees, there would be no controversy from many of my colleagues on the Democratic side. While I supported a clean repeal of IPAB in Energy & Commerce, I cannot support a bill that will have such a profoundly negative impact on the 74,000 Medicare eligible constituents in my district. I advise my colleagues on both sides of the aisle to vote "no" on this bill as currently written.

SALUTE TO BISHOP JOHN HENRY SHEARD ON THE CELEBRATION OF HIS EXCEPTIONAL LEADERSHIP IN THE CHURCH OF GOD IN CHRIST

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2012

Mr. PETERS. Mr. Speaker, I rise today to salute Bishop John Henry Sheard, Pastor of Greater Mitchell Church of God in Christ of Detroit, for his exceptional leadership in the great state of Michigan.

From humble beginnings in a rural town in Mississippi to a leadership position in the International Church of God In Christ (COGIC), Bishop John Henry Sheard has been a great spiritual leader and true pioneer.

Bishop Sheard moved to Detroit at a very early age. Under the tutelage of the Bishop John Seth Bailey, he moved up through the ranks of the Church. After being ordained, Bishop Sheard was installed as pastor of Mitchell Street COGIC in January, 1982. Displaying great leadership skills, he moved his growing congregation to a larger location in the city of Detroit. It is current known as Greater Mitchell Church on God in Christ.

Bishop Sheard was later elevated to District Superintendent, Jurisdictional President of the Youth Department, and to the Jurisdiction's prestigious Executive Board. Ultimately, he was consecrated Bishop of the First Ecclesiastical Jurisdiction of Michigan Southwest by the General Board of the Church of God In Christ, with Bishop L.H. Ford as Presiding Bishop. For more than nearly 20 years, Bishop Sheard has presided over the First Ecclesiastical Jurisdiction of Michigan Southwest and during this time the Jurisdiction has made tremendous strides.

Known as a man of impeccable integrity and great leadership, Bishop Sheard has traveled throughout the country. His peers have twice elected him overwhelmingly as the Chairman of the Board of Bishops for the Church of God In Christ, Inc. He humbly chairs this prestigious Board, which is comprised of about 200 Bishops worldwide. He has earned many awards and accolades, including being honored by the Ohio Southern Christian Leadership Conference as "Bishop of the Year for 2009."

Mr. Speaker, I ask my colleagues to join me today in recognizing and paying tribute to Bishop John H. Sheard, Pastor of Greater Mitchell Church of God In Christ, on the celebration of his exceptional leadership in the great state of Michigan.

Daily Digest

HIGHLIGHTS

Senate passed H.R. 3606, Reopening American Capital Markets to Emerging Growth Companies Act, as amended.

Senate agreed to the motion to concur in the amendment of the House of Representatives to S. 2038, Stop Trading on Congressional Knowledge Act.

Senate

Chamber Action

Routine Proceedings, pages S1955–S2008

Measures Introduced: Ten bills and three resolutions were introduced, as follows: S. 2223–2232, S.J. Res. 39, and S. Res. 404–405. **Page S2001**

Measures Passed:

Reopening American Capital Markets to Emerging Growth Companies Act: By 73 yeas to 26 nays (Vote No. 55), Senate passed H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies, after taking action on the following amendments proposed thereto:

Pages S1963–77

Adopted:

By 64 yeas to 35 nays (Vote No. 54), Reid (for Merkley) Amendment No. 1884, to amend the securities laws to provide for registration exemptions for certain crowdfunded securities. **Page S1976**

Rejected:

Reid (for Reed) Amendment No. 1931 (to Amendment No. 1884), to improve the bill.

Pages S1973–76

Use of Rotunda: Senate agreed 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 S2006**

Recognizing the life and work of Marie Colvin: Senate agreed to S. Res. 404, recognizing the life and work of war correspondent Marie Colvin and other courageous journalists in war zones.

Pages S2006–07

Authorizing the Taking of a Photograph: Senate agreed to S. Res. 405, authorizing the taking of a photograph in the Chamber of the United States Senate. **Page S2007**

Measures Considered:

Oil Tax Subsidies—Cloture: Senate began consideration of the motion to proceed to consideration of S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation. **Pages S1984–85**

A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Monday, March 26, 2012.

Page S1985

Subsequently, the motion to proceed was withdrawn. **Page S1985**

A unanimous-consent-time agreement was reached providing that Senate resume consideration of the motion to proceed to consideration of the bill at approximately 4:30 p.m., on Monday, March 26, 2012, with the time until 5:30 p.m. equally divided between the two Leaders, or their designees; provided further, that the cloture vote on the motion to proceed to consideration of the bill be at 5:30 p.m., on Monday, March 26, 2012, and that if cloture is not invoked, there be 2 minutes of debate equally divided in the usual form prior to the cloture vote on the motion to proceed to consideration of S. 1789, to improve, sustain, and transform the United States Postal Service. **Page S2007**

21st Century Postal Service Act—Cloture: Senate began consideration of the motion to proceed to consideration of S. 1789, to improve, sustain, and transform the United States Postal Service. **Page S1985**

A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation. **Page S1985**

House Messages:

Stop Trading on Congressional Knowledge Act: Senate agreed to the motion to concur in the amendment of the House of Representatives to S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, after taking action on the following motions and amendments proposed thereto: **Pages S1977–81**

Withdrawn:

Reid motion to concur in the amendment of the House to the bill, with Reid Amendment No. 1940, to change the enactment date. **Page S1981**

During consideration of this measure today, Senate also took the following action:

By 96 yeas to 3 nays (Vote No. 56), 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 Reid motion to concur in the amendment of the House to the bill. **Page S1981**

Reid motion to refer the message of the House on the bill to the Committee on Homeland Security and Governmental Affairs, with instructions, Reid Amendment No. 1942, to change the enactment date, fell when cloture was invoked on Reid motion to concur in the amendment of the House to the bill. **Page S1981**

Reid Amendment No. 1943 (to (the instructions) Amendment No. 1942), of a perfecting nature, fell when Reid motion to refer the message of the House on the bill to the Committee on Homeland Security and Governmental Affairs, with instructions, Reid Amendment No. 1942, fell. **Page S1981**

Reid Amendment No. 1944 (to Amendment No. 1943), of a perfecting nature, fell when Reid Amendment No. 1943 (to (the instructions) Amendment No. 1942), fell. **Page S1981**

Reid Amendment No. 1941 (to Amendment No. 1940), of a perfecting nature, fell when Reid motion to concur in the amendment of the House to the bill, with Reid Amendment No. 1940, was withdrawn. **Page S1981**

Appointments:

United States Commission on International Religious Freedom: The Chair, on behalf of the President pro tempore, upon the recommendation of the Republican Leader, pursuant to Public Law 105–292, as amended by Public Law 106–55, Public Law 107–228, and Public Law 112–75, appointed the following individual to the United States Commission on International Religious Freedom:

Dr. M. Zuhdi Jasser of Arizona, Vice Richard D. Land. **Page S2007**

Nominations Confirmed: Senate confirmed the following nominations:

By 96 yeas to 2 nays (Vote No. EX. 57), David Nuffer, of Utah, to be United States District Judge for the District of Utah. **Pages S1984, S2008**

By 96 yeas to 2 nays (Vote No. EX. 58), Ronnie Abrams, of New York, to be United States District Judge for the Southern District of New York. **Pages S1984, S2008**

Rudolph Contreras, of Virginia, to be United States District Judge for the District of Columbia. **Pages S1984, S2008**

1Navy nomination in the rank of admiral.

A routine list in the Public Health Service. **Pages S2005–2006**

Messages from the House: **Pages S1998–99**

Measures Read the First Time: **Pages S1999, S2007**

Executive Communications: **Pages S1999–S2000**

Executive Reports of Committees: **Pages S2000–01**

Additional Cosponsors: **Pages S2001–02**

Statements on Introduced Bills/Resolutions: **Pages S2002–04**

Additional Statements: **Pages S1997–98**

Notices of Intent: **Page S2004**

Notices of Hearings/Meetings: **Page S2004**

Authorities for Committees to Meet: **Pages S2004–05**

Privileges of the Floor: **Page S2005**

Record Votes: Five record votes were taken today. (Total—58) **Pages S1976–77, S1981, S1984**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 6:28 p.m., until 2 p.m. on Monday, March 26, 2012. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S2007.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: DEPARTMENT OF COMMERCE

Committee on Appropriations: Subcommittee on Commerce, Justice, Science, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2013 for the Department of Commerce, after receiving testimony from John Bryson, Secretary of Commerce.

APPROPRIATIONS: SECRETARY OF THE SENATE, THE SERGEANT AT ARMS AND THE U.S. CAPITOL POLICE

Committee on Appropriations: Subcommittee on Legislative Branch concluded a hearing to examine proposed budget estimates for fiscal year 2013 for the Secretary of the Senate, the Sergeant at Arms and the United States Capitol Police, after receiving testimony from Nancy Erickson, Secretary of the Senate; Terrance W. Gainer, Sergeant at Arms and Doorkeeper of the Senate; and Phillip D. Morse, Sr., United States Capitol Police Chief.

BUSINESS MEETING

Committee on Armed Services: Committee ordered favorably reported 246 nominations in the Army, Navy, Air Force and Marine Corps.

AFGHANISTAN

Committee on Armed Services: Committee concluded a hearing to examine the situation in Afghanistan, after receiving testimony from James N. Miller, Jr., Acting Under Secretary for Policy, and General John R. Allen, USMC, Commander, International Security Assistance Force, and Commander, United States Forces Afghanistan, both of the Department of Defense.

WALL STREET REFORM

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine international harmonization of Wall Street reform, focusing on orderly liquidation, derivatives, and the Volcker Rule, after receiving testimony from Lael Brainard, Under Secretary for International Affairs, and John Walsh, Acting Comptroller of the Currency, both of the Department of the Treasury; Daniel K. Tarullo, Governor, Board of Governors of the Federal Reserve System; Elisse B. Walter, Commissioner, United States Securities and Exchange Commission; Martin J. Gruenberg, Acting Chairman, Federal Deposit Insurance Corporation; and Jacqueline H. Mesa, Director, Office of International Affairs, Commodity Futures Trading Commission.

PUBLIC LANDS AND FORESTS BILLS

Committee on Energy and Natural Resources: Subcommittee on Public Lands and Forests concluded a hearing 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, after receiving testimony from Senator Baucus; Mike Pool, Deputy Director, Bureau of Land Management, Department of the Interior; Leslie A. C. Weldon, Deputy Chief National Forest System, Forest Service, Department of Agriculture; James H. Magagna, Wyoming Stock Growers Association, Cheyenne; Andy Kerr, WildEarth Guardians, Washington, D.C.; Doug Gann, National Forest Homeowners, Kirkland,

Washington, on behalf of the C2 Coalition; Dave Strahan, Grants Pass, Oregon; and Dusty Crary, Choteau, Montana.

ENVIRONMENTAL PROTECTION AGENCY BUDGET

Committee on Environment and Public Works: Committee concluded a hearing to examine the President's proposed budget request for fiscal year 2013 for the Environmental Protection Agency, after receiving testimony from Lisa P. Jackson, Administrator, Environmental Protection Agency.

PRESCRIPTION DRUG ABUSE

Committee on Finance: Subcommittee on Health Care concluded a hearing to examine prescription drug abuse, focusing on how Medicare and Medicaid are adapting to the challenge, after receiving testimony from Billy Millwee, Texas Health and Human Services Commission State Medicaid Director, Austin; Jeffrey Coben, West Virginia University Injury Control Research Center, Morgantown; Timothy Schwab, SCAN Health Plan, Long Beach, California; and Alex Cahana, University of Washington, Seattle.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing 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, after the nominees testified and answered questions in their own behalf.

ARMY MILITARY PAY

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security concluded 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, focusing on challenges the Army faces in achieving audit readiness for its military pay, after receiving testimony from Lieutenant Colonel Kirk Zecchini, U.S. Army Reserve Control Group (Reinforcement), James J. Watkins, Director of Accountability and Audit Readiness, Office of the Assistant Secretary of the Army, Financial Management and Comptroller, Jeanne M. Brooks, Director of Technology and Business Architecture Integration, Deputy Chief of Staff, G–1, and Aaron P. Gillison, Acting Director, Defense Finance and Accounting Service-Indianapolis, all of the Department of Defense; and Asif A. Khan, Director, Financial Management and Assurance, Government Accountability Office.

WORK STRATEGIES

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine stay-at-work and back-to-work strategies, focusing on lessons from the private sector, after receiving testimony from Karen Amato, SRA International, Inc., Arlington, Virginia, and Christine V. Walters, FiveL Company, Westminster, Maryland, both on behalf of the Society for Human Resource Management; Kenneth Mitchell, WorkRx Group, Ltd., Worthington, Ohio; Thomas R. Watjen, Unum Group, Chattanooga, Tennessee; and Eric Buehlmann, Arlington, Virginia.

INDIAN AFFAIRS BILLS

Committee on Indian Affairs: Committee concluded a hearing 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, after receiving testimony from Jodi Gillette, Deputy Assistant Secretary of the Interior for Indian Affairs; Robert McSwain, Deputy Director for Management Operations, Indian Health Service, Department of Health and Human Services; Paul Hansen, Maniilaq Health Center, Kotzebue, Alaska; and Carlos Hisa, and Janette Hernandez, both of the Ysleta del Sur Pueblo, El Paso, Texas.

SMALL BUSINESS INVESTMENT

Committee on Small Business and Entrepreneurship: Committee concluded a hearing to examine small business investment companies and their role in the entrepreneurship ecosystem, after receiving testimony from Harry Haskins, Deputy Associate Administrator for Investment, Small Business Administration; Barry Wides, Deputy Comptroller, Community Affairs, Office of the Comptroller of the Currency, Department of the Treasury; Roger Bates, MEP R&H Supply, Inc., Broussard, Louisiana; Vincent D. Foster, Main Street Capital Corporation, Houston, Texas; James Goodman, Gemini Investors, Wellesley, Massachusetts; Manuel A. Henriquez, Hercules Technology Growth Capital, Palo Alto, California; Tim Rafalovich, Wells Fargo Bank, San Diego, California; Charles Rothstein, Michigan Growth Capital Partners, Farmington Hills; Rick Girard, Girard Environmental Services, Sanford, Florida; Thies Kolln, AAVIN Private Equity, Cedar Rapids, Iowa; Carl Kopfinger, TD Bank, Philadelphia, Pennsylvania;

Dan Penberthy, RAND Capital Corporation, Buffalo, New York; and Don Sackett, Olympus Innov-X, Woburn, Massachusetts.

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 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, National Guard Association of the United States, and the Jewish War Veterans, after receiving testimony from Charles Susino, American Ex-Prisoners of War, Arlington, Texas; John R. Davis, Fleet Reserve Association, and Robert F. Norton, USA (Ret.), Military Officers Association of America, both of Alexandria, Virginia; Jamie H. Tomek, Gold Star Wives of America, Inc., Arlington, Virginia; Allen E. Falk, Jewish War Veterans of the USA, Bill Lawson, Paralyzed Veterans of America, Sam Huhn, Blinded Veterans Association, and Gus Hargett, National Guard Association of the United States, all of Washington, D.C.; John R. McCauslin, USAF (Ret.), Air Force Sergeants Association, Suitland, Maryland; and Gary L. Fry, AMVETS, Lanham, Maryland.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 17 public bills, H.R. 4239–4255; and 3 resolutions, H. Con. Res. 110–111; and H. Res. 594 were introduced. **Pages H1541–42**

Additional Cosponsors: **Page H1543**

Reports Filed: Reports were filed today as follows:

In the Matter Regarding Arrests of Members of the House During a Protest Outside the Embassy of Sudan in Washington, D.C., on March 16, 2012 (H. Rept. 112–419) and H.R. 3834, to amend the High-Performance Computing Act of 1991 to authorize activities for support of networking and information technology research, and for other purposes, with an amendment (H. Rept. 112–420). **Page H1541**

Journal: The House agreed to the Speaker's approval of the Journal by voice vote. **Pages H1499, H1519**

Help Efficient, Accessible, Low-cost, Timely Healthcare (HEALTH) Act: The House passed 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, by a recorded vote of 223 ayes to 181 noes with 4 answering "present", Roll No. 126. Consideration of the measure began yesterday, March 21st. **Pages H1501–19**

Rejected the Loebsack motion to recommit the bill to the Committees on Ways and Means and Energy and Commerce with instructions to report the same to the House forthwith with an amendment, by a recorded vote of 180 ayes to 229 noes with 2 answering "present", Roll No. 125. **Pages H1516–18**

Pursuant to the rule, 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, in lieu of the amendments recommended by the Committees on Energy and Commerce and the Judiciary now printed in the bill. 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. **Page H1501**

Agreed to:

Dent amendment (No. 4 printed in H. Rept. 112–416) that addresses the crisis in access to emergency care by extending liability coverage to on-call and emergency room physicians under the Public Health Service Act; **Pages H1507–09**

Gosar amendment (No. 5 printed in H. Rept. 112–416) that restores the application of antitrust laws to the business of health insurance by amending the McCarran-Ferguson Act; **Pages H1509–11**

Woodall amendment (No. 1 printed in H. Rept. 112–416) that strikes the findings in Title I (by a recorded vote of 234 ayes to 173 noes with 2 answering "present", Roll No. 122); and **Pages H1504–05, H1513–14**

Stearns amendment (No. 6 printed in H. Rept. 112–416) that grants limited civil liability protection to health professionals that volunteer at federally declared disaster sites (by a recorded vote of 251 ayes to 157 noes with 1 answering ''present'', Roll No. 124). **Pages H1511–13, H1515**

Rejected:

Bonamici amendment (No. 2 printed in H. Rept. 112–416) that sought to delay the date of enactment until the Secretary of Health and Human Services submits to Congress a report on the potential effect of this title on health care premiums (by a recorded vote of 179 ayes to 228 noes with 1 answering ''present'', Roll No. 123). **Pages H1505–07, H1514–15**

H. Res. 591, the rule providing for consideration of the bill, was agreed to yesterday, March 21st.

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 12 noon on Monday, March 26th for morning hour debate and 2 p.m. for legislative business. **Page H1521**

Commission on International Religious Freedom—Appointment: The Chair announced the Speaker's appointment of the following member on the part of the House to the Commission on International Religious Freedom for a term effective March 23, 2012 and ending May 14, 2014: Mr. Robert P. George of Princeton, NJ. **Page H1530**

Quorum Calls—Votes: Five recorded votes developed during the proceedings of today and appear on pages H1513–14, H1514–15, H1515, H1518, H1518–19. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 3:55 p.m.

Committee Meetings

APPROPRIATIONS—FY 2013 BUDGET ISSUES

Committee on Appropriations: Subcommittee on Commerce, Justice, Science, and Related Agencies held a hearing on FY 2013 budget issues. Testimony was heard from Representatives Chu, Farr, Lipinski, Pierluisi, Posey, Gerald W. Hyland, Supervisor, Fairfax County, Virginia; Billy Frank, Chairman, Northwest Indian Fisheries Commission; Seamus P. McCaffery, Justice, Supreme Court of Pennsylvania; Tom Skalak, Vice President for Research, University of Virginia; and public witnesses.

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—DEPARTMENT OF EDUCATION FY 2013 BUDGET

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies held a hearing on FY 2013 Budget Request for the Department of Education. Testimony was heard from Arnie Duncan, Secretary, Department of Education.

APPROPRIATIONS—DEPARTMENT OF TRANSPORTATION MAJOR MODES

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 Transportation Major Modes. Testimony was heard from Michael Huerta, Acting Administrator, Federal Aviation Administration; Victor Mendez, Administrator, Federal Highway Administration; Joseph C. Szabo, Administrator, Federal Railroad Administration; and Peter Rogoff, Administrator, Federal Transit Administration.

APPROPRIATIONS—COMMODITY FUTURE TRADING COMMISSION

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 Commodity Futures Trading Commission. Testimony was heard from Gary Gensler, Chairman, Commodity Futures Trading Commission.

NAVY'S READINESS POSTURE

Committee on Armed Services: Subcommittee on Readiness held a hearing on the Navy's readiness posture. Testimony was heard from Vice Admiral William Burke, USN, Deputy Chief of Naval Operations, Fleet Readiness and Logistics; Vice Admiral Kevin McCoy, USN, Commander, Naval Sea Systems Command; and Vice Admiral David Architzel, USN, Commander, Naval Air Systems Command.

HAZING IN THE MILITARY

Committee on Armed Services: Subcommittee on Military Personnel held a hearing on hazing in the military. Testimony was heard from Sergeant Major of the Army Raymond F. Chandler III, USA, Sergeant Major of the Army; Master Chief Petty Officer of the Navy Rick D. West, USN, Master Chief Petty Officer of the Navy; Sergeant Major Michael P. Barrett, USMC, Sergeant Major of the Marine Corps; Chief Master Sergeant of the Air Force James A. Roy, USAF, Chief Master Sergeant of the Air Force; and Master Chief Michael P. Leavitt, USCG, Master Chief Petty Officer of the Coast Guard.

MISCELLANEOUS MEASURE

Committee on the Budget: On Wednesday, March 21, 2012, the full Committee held a markup. The following was ordered reported, as amended: a Concurrent Resolution on the Budget for Fiscal Year 2013.

MOTOR VEHICLE SAFETY PROVISIONS

Committee on Energy and Commerce: Subcommittee on Commerce, Manufacturing, and Trade held a hearing entitled ''Motor Vehicle Safety Provisions in House and Senate Highway Bills''. Testimony was heard from Representative Lewis (GA); David L. Strickland, Administrator, National Highway Transportation Safety Administration; and public witnesses.

HOW MOBILE PAYMENTS COULD CHANGE FINANCIAL SERVICES

Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit held a hearing entitled ''The Future of Money: How Mobile Payments Could Change Financial Services''. Testimony was heard from public witnesses.

BUILDING ONE DHS

Committee on Homeland Security: Subcommittee on Oversight, Investigations, and Management held a hearing entitled ''Building One DHS: Why is Employee Morale Low?''. Testimony was heard from Catherine Emerson, Chief Human Capital Officer, Department of Homeland Security; and David Maurer, Director, Homeland Security and Justice Team, Government Accountability Office; and public witnesses.

EFFECTS OF THE PRESIDENT'S FY 2013 BUDGET FOR THE U.S. GEOLOGICAL SURVEY

Committee on Natural Resources: Subcommittee on Energy and Mineral Resources held a 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''. Testimony was heard from Marcia McNutt, Director, Geological Survey; and public witnesses.

LATEST THREAT TO ACCESS FOR RECREATIONAL AND COMMERCIAL FISHERMAN

Committee on Natural Resources: Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs held a hearing entitled ''Empty Hooks: The National Ocean Policy is the Latest Threat to Access for Recreational and Commercial Fisherman''. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Small Business: Full Committee held a 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''. The following bills were order reported, as amended: H.R. 3985; H.R. 3987; H.R. 4081; and H.R. 4206. The following bill was ordered reported, without amendment: H.R. 4203.

INTERNAL REVENUE SERVICE OPERATIONS AND THE 2012 TAX RETURN FILING SEASON

Committee on Ways and Means: Subcommittee on Oversight held a hearing entitled ''Internal Revenue Service Operations and the 2012 Tax Return Filing Season''. Testimony was heard from Douglas Shulman, Commissioner, Internal Revenue Service.

ONGOING INTELLIGENCE ACTIVITIES

House Permanent Select Committee on Intelligence: Full Committee held a hearing on ongoing intelligence activities. This was a closed hearing.

Joint Meetings

PROGRESS IN NORTHERN IRELAND

Commission on Security and Cooperation in Europe. On Wednesday, March 21, 2012, commission concluded a hearing to examine prerequisites for progress in Northern Ireland, focusing on the 1998 Good Friday Agreement, and the current challenges to full implementation of the agreement and the action that is necessary for continued confidence and progress in the peace process, after receiving testimony from Christopher Stanley, British-Irish Rights Watch, London; Mark Thompson, Relatives for Justice, Brian Gormally, Committee on the Administration of Justice, and Geraldine Finucane, all of Belfast; and Patricia Lundy, University of Ulster, Jordanstown.

COMMITTEE MEETINGS FOR FRIDAY, MARCH 23, 2012

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No hearings are scheduled.

Next Meeting of the SENATE

2 p.m., Monday, March 26

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 4:30 p.m.), Senate will resume consideration of the motion to proceed to consideration of S. 2204, Oil Tax Subsidies, and vote on the motion to invoke cloture on the motion to proceed to consideration of the bill at 5:30 p.m. If cloture is not invoked, Senate will resume consideration of the motion to proceed to consideration of S. 1789, 21st Century Postal Service Act, and vote on the motion to invoke cloture on the motion to proceed to consideration of the bill.

Next Meeting of the HOUSE OF REPRESENTATIVES

12 p.m., Monday, March 26

House Chamber

Program for Monday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

Barletta, Lou, Pa., E420
Bilbray, Brian P., Calif., E423
Brady, Robert A., Pa., E429
Calvert, Ken, Calif., E422, E436
Carson, André, Ind., E435
Christensen, Donna M., The Virgin Islands, E418
Chu, Judy, Calif., E434
Coffman, Mike, Colo., E435
Costa, Jim, Calif., E435
Courtney, Joe, Conn., E415, E434
Crowley, Joseph, N.Y., E416
Dingell, John D., Mich., E418
Duncan, John J., Tenn., E421
Fitzpatrick, Michael G., Pa., E423
Gerlach, Jim, Pa., E420, E423
Graves, Sam, Mo., E424
Green, Gene, Tex., E418
Grimm, Michael G., N.Y., E429
Hastings, Alcee L., Fla., E423
Hastings, Doc, Wash., E424
Heinrich, Martin, N.M., E431
Hirono, Mazie K., Hawaii, E425
Honda, Michael M., Calif., E419
Hultgren, Randy, Ill., E419
Jackson Lee, Sheila, Tex., E427
Johnson, Eddie Bernice, Tex., E429
Johnson, Sam, Tex., E416, E417, E419
Kaptur, Marcy, Ohio, E417
Kinzinger, Adam, Ill., E435
Lee, Barbara, Calif., E424
McCollum, Betty, Minn., E433
McDermott, Jim, Wash., E425
Manzullo, Donald A., Ill., E424
Marchant, Kenny, Tex., E419, E433
Olson, Pete, Tex., E415, E421, E426
Pascrell, Bill, Jr., N.J., E431
Peters, Gary C., Mich., E415, E420, E426, E432, E434, E436
Poe, Ted, Tex., E433
Rahall, Nick J., II, W.Va., E433
Rangel, Charles B., N.Y., E416, E422, E428, E432
Sensenbrenner, F. James, Jr., Wisc., E434
Sessions, Pete, Tex., E420
Smith, Adrian, Nebr., E424
Stark, Fortney Pete, Calif., E430
Terry, Lee, Nebr., E435
Towns, Edolphus, N.Y., E416, E421, E426, E436
Van Hollen, Chris, Md., E418, E422, E429
Wolf, Frank R., Va., E430
Yarmuth, John A., Ky., E423

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.