Concurrent Resolution on the Budget for Fiscal Year 2008—S. Con. Res. 21; Revisions to the Conference Agreement Pursuant to Section 310 Deficit-neutral Reserve Fund for Terrorism Risk Insurance Reauthorization—Continued

FY 2008 Budget Authority	13,496
FY 2008 Outlays	−1,678
FY 2008–2012 Budget Authority	67,193
FY 2008–2012 Outlays	−15,443

DOCTOR'S PAYMENT FIX

Mr. MARTINEZ. Mr. President, I wish to address the issue of what is commonly referred to as the Medicare ''doctor fix.'' Unless Congress acts, there will be a 10-percent reduction to Medicare reimbursement rates in the coming year; putting good doctors further at odds with Medicare payments for their service.

This is a problem that not only affects patients with Medicare but also our military veterans, many of whom rely on Medicare as their primary health care provider.

Delaying the issue will put our veterans relying—on Tricare until the age of 65 and Medicare after retirement—at increased risk of additional health problems if their ability to see a doctor remains in question.

If not addressed, millions of Americans could be denied immediate access to treatment when they need it most. It would also put an even greater strain on doctors, who are already forced to be selective in determining which Medicare patients they can treat.

This is a choice no doctor should have to make, and our seniors and doctors deserve better. We have the opportunity to act before we leave in the coming days, and I urge my colleagues to consider the consequences that would result from an additional cut to the program.

In my home State of Florida, the dilemma has reached a critical mass, with an increasing number of doctors leaving the program—refusing to continue treating a very vulnerable population. All because the bureaucracy is too much and reimbursement is too low.

These are doctors that play important roles in treating seniors in their communities. These are doctors like Dr. Troy Tippett, a neurosurgeon in Pensacola, who is often faced with the choice of continuing to treat Medicare patients at a loss or refuse them because of declining reimbursements from Medicare.

Dr. Tippett was so worried about the threat of further cuts to the Medicare reimbursements he receives, he recently called to let me know the detrimental impact the declining reimbursement rate would have on his ability to continue treating Medicare patients.

I hope for the sake of good doctors like Dr. Tippett we can develop a comprehensive, long-term solution that fixes this problem once and for all.

This is a problem, I believe, that we must fix soon, rather than kicking the can down the road and hoping the next Congress will provide an answer to the more than 40-million Medicare patients. But today, we can do our part by opposing a cut to the broken payment system that penalizes our doctors for treating Medicare patients.

We owe it to the people who have worked so hard in life and need quality care now more than ever. We also owe it to the doctors who treat them on a regular basis.

I urge my colleagues to support fixing the reimbursement rate that so many doctors in my State—and around the country—depend on, especially in the face of rising medical costs and skyrocketing medical malpractice insurance premiums.

It is my understanding that we are very close to coming to agreement on a doctor fix and that floor action could occur very soon. I am hopeful we will have the opportunity to approve that fix. We must act because our physicians and their patients are counting on us.

And while I am pleased we are about to address the problem—let's not make the mistake of leaving it as a short-term fix. The American people deserve a long-term solution. I look forward to coming back next year and working on a permanent ''doctor fix.''

RENEWABLE CONSUMER AND ENERGY EFFICIENCY ACT

Mr. INOUYE. Mr. President, today, I am pleased that the Congress is sending energy legislation to the President. For too long, the United States has taken a back seat in the fight against global warming. This bill is a good first step in moving our Nation's energy policy in the right direction.

Without the support of a number of Senators, this legislation, and title I in particular, would not have been possible. I wish to extend particular thanks to Senators FEINSTEIN, STEVENS, LEVIN, SNOWE, KERRY, DORGAN, LOTT, CARPER, BOXER, DURBIN, ALEXANDER, CORKER, and CANTWELL for their work in increasing automobile fuel economy standards.

In addition, the tireless efforts of groups dedicated to conservation and improving national security were vital to enacting this legislation. Of special note is the support of a nonpartisan group of business executives and retired senior military leaders concerned about global energy security, known as Securing America's Future Energy, SAFE. I am grateful for the support and hard work of its leaders, Frederick W. Smith and General P.X. Kelley, as well as Robbie Diamond, who served as their liaison. The Union of Concerned Scientists—David Friedman in particular—provided significant technical support and advocacy for the Ten-in-Ten Fuel Economy Act.

The White House says that the President will sign the bill tomorrow. I thank him for taking swift action on this landmark legislation.

NEW CENTURY FARM PROGRAMS

Mr. HARKIN. Mr. President, I certify that neither I nor any of my family members have a pecuniary interest in the New Century Farm Programs for which I requested congressionally directed spending via floor action on Harkin amendment No. 3500, a substitute to H.R. 2419.

NATIONAL DEFENSE AUTHORIZATION ACT

Mrs. MCCASKILL. Mr. President, this chamber approved the fiscal year 2008 National Defense Authorization Act. I am particularly pleased with the inclusion of an important provision contained in section 846 of the legislation to modernize the whistleblower protections afforded to defense contractor employees. At a time when reports of fraud, waste, and abuse in defense contracts are rampant, it is absolutely vital that we have in place the types of whistleblower protections for contractor employees that I will empower them in reporting such abuse and therefore will protect those who wish to protect American I taxpayer dollars.

I would like to thank Senator COLLINS for working with me on this important provision and further thank Senators LEVIN and MCCAIN for their leadership and stewardship of this provision through the Senate and conference-considerations of the Defense Authorization Act.

I come to the floor, however, to make one explanatory clarification as to the final language of this amendment because I think it critical that the record be clear as to the intent of the Congress. Last year in Garcetti v. Ceballos, the Supreme Court canceled constitutional protection for speech made within the normal course of an employee's execution of his or her job duties, specifically because those disclosures are covered by other whistleblower statutes. There should be absolutely no confusion that the Congress believes that the logic and holding of Garcetti is inapplicable to the defense contractor whistleblower protection statute, 10 U.S.C. 2409, as amended by section 846 of this act.

Disclosures taken to carry out job responsibilities, within the normal course of an employee's duties, are protected by this provision for three core reasons. First, they are essential preliminary steps for a responsible disclosure to the government. Second, often they in fact are indirect disclosures to Government inspectors, auditors, and investigators who must study associated internal corporate records to engage in informed oversight. Third, the purpose of whistleblower statutes is to reduce waste. But waste would be maximized if employees had to avoid their own organizations and go straight to the Government in order to avoid waiving their whistleblower rights. The law's goal is maximized by employees being empowered to safely

work within their employment structure, as a first step, so contractors can clean their own houses. Any reading that would exclude disclosures within an employee's internal chain or command would simply be an illogical, exceedingly narrow reading of the statute. Congress fully intends the employee protections, as amended, to be interpreted to include disclosures within the employee's company.

I thank my fellow Senators for joining Senator COLLINS and me in our efforts to protect whistleblowers and provide greater contractor accountability and oversight.

LOOP FUNDING

Ms. MIKULSKI. Mr. President, as chairwoman of the Appropriations Subcommittee on Commerce, Justice, Science, and related agencies, I rise today to clarify for the U.S. Senate the sponsorship of a congressionally designated project included in the Joint Explanatory Statement to accompany the consolidated appropriations amendment to H.R. 2764. Specifically: Senator LEVIN should be listed as having requested funding for city of Grand Rapids, MI, for LOOP funded through the Department of Justice.

INTERNET GAMBLING

Mr. KYL. Mr. President, I would like my colleagues to be aware of an important letter signed by 45 State attorneys general expressing ''grave concerns'' about Representative BARNEY FRANK's Internet Gambling Regulation and Enforcement Act, H.R. 2046.

The State attorneys general note that the recently enacted Unlawful Internet Gambling Enforcement Act of 2006 has ''effectively driven many illicit gambling operators from the American marketplace.'' The Frank bill ''proposes to do the opposite, by replacing state regulations with a federal licensing program that would permit Internet gambling companies to do business with U.S. customers.'' The letter continues:

A federal license would supersede any state enforcement action, because § 5387 in H.R. 2046 would grant an affirmative defense against any prosecution or enforcement action under any Federal or State law to any person who possesses a valid license and complies with the requirements of H.R. 2046. This divestment of state gambling enforcement power is sweeping and unprecedented.

One final but very important point from the letter is the impact of the so-called ''opt-out'' provisions. Specifically, the letter reads:

[T]he opt-outs may prove illusory. They will likely be challenged before the World Trade Organization. The World Trade Organization has already shown itself to be hostile to U.S. restrictions on Internet gambling. If it strikes down state opt-outs as unduly restrictive of trade, the way will be open to the greatest expansion of legalized gambling in American history and near total preemption of State laws restricting Internet gambling.

The Frank bill is unacceptable to the State attorneys general and it ought to be unacceptable to Members of Congress as well. I urge my colleagues to oppose the Frank bill or any similar proposals that would create a permissive Federal licensing scheme for Internet gambling.

I ask unanimous consent to have printed in the RECORD the letter from the National Association of Attorneys General.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL,
Washington, DC, November 30, 2007.

Hon. NANCY PELOSI,
Speaker,
House of Representatives.
Hon. HARRY REID,
Majority Leader,
U.S. Senate.
Hon. JOHN BOEHNER,
Minority Leader,
House of Representatives.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate.

TO THE LEADERSHIP OF THE U.S. HOUSE OF REPRESENTATIVES AND SENATE:

We, the Attorneys General of our respective States, have grave concerns about H.R. 2046, the ''Internet Gambling Regulation and Enforcement Act of 2007.'' We believe that the bill would undermine States' traditional powers to make and enforce their own gambling laws.

On March 21, 2006, 49 NAAG members wrote to the leadership of Congress:

''We encourage the United States Congress to help combat the skirting of state gambling regulations by enacting legislation which would address Internet gambling, while at the same time ensuring that the authority to set overall gambling regulations and policy remains where it has traditionally been most effective: at the state level.''

Congress responded by enacting the Unlawful Internet Gambling Enforcement Act of 2006 (UIGEA), which has effectively driven many illicit gambling operators from the American marketplace.

But now, less than a year later, H.R. 2046 proposes to do the opposite, by replacing state regulations with a federal licensing program that would permit Internet gambling companies to do business with U.S. customers. The Department of the Treasury would alone decide who would receive federal licenses and whether the licensees were complying with their terms. This would represent the first time in history that the federal government would be responsible for issuing gambling licenses.

A federal license would supersede any state enforcement action, because §5387 in H.R. 2046 would grant an affirmative defense against any prosecution or enforcement action under any Federal or State law to any person who possesses a valid license and complies with the requirements of H.R. 2046. This divestment of state gambling enforcement power is sweeping and unprecedented.

The bill would legalize Internet gambling in each State, unless the Governor clearly specifies existing state restrictions barring Internet gambling in whole or in part. On that basis, a State may ''opt out'' of legalization for all Internet gambling or certain types of gambling. However, the opt-out for types of gambling does not clearly preserve the right of States to place conditions on legal types of gambling. Thus, for example, if the State permits poker in licensed card rooms, but only between 10 a.m. and midnight, and the amount wagered cannot exceed $100 per day and the participants must be 21 or older, the federal law might nevertheless allow 18-year-olds in that State to wager much larger amounts on poker around the clock.

Furthermore, the opt-outs may prove illusory. They will likely be challenged before the World Trade Organization. The World Trade Organization has already shown itself to be hostile to U.S. restrictions on Internet gambling. If it strikes down state opt-outs as unduly restrictive of trade, the way will be open to the greatest expansion of legalized gambling in American history and near total preemption of State laws restricting Internet gambling.

H.R. 2046 effectively nationalizes America's gambling laws on the Internet, ''harmonizing'' the law for the benefit of foreign gambling operations that were defying our laws for years, at least until UIGEA was enacted. We therefore oppose this proposal, and any other proposal that hinders the right of States to prohibit or regulate gambling by their residents.

Sincerely,

John Suthers, Attorney General of Colorado; Bill McCollum, Attorney General of Florida; Douglas Gansler, Attorney General of Maryland; Troy King, Attorney General of Alabama; Talis J. Colberg, Attorney General of Alaska; Terry Goddard, Attorney General of Arizona; Dustin McDaniel, Attorney General of Arkansas; Edmund G. Brown, Jr., Attorney General of California; Richard Blumenthal, Attorney General of Connecticut; Joseph R. (Beau) Biden III, Attorney General of Delaware; Linda Singer, Attorney General of District of Columbia; Thurbert E. Baker, Attorney General of Georgia; Alicia G. Limtiaco, Attorney General of Guam; Mark J. Bennett, Attorney General of Hawaii; Lawrence Wasden, Attorney General of Idaho; Lisa Madigan, Attorney General of Illinois; Stephen Carter, Attorney General of Indiana ; Paul Morrison, Attorney General of Kansas; Charles C. Foti, Jr., Attorney General of Louisiana; G. Steven Rowe, Attorney General of Maine; Lori Swanson, Attorney General of Minnesota; Jim Hood, Attorney General of Mississippi; Jeremiah W. (Jay) Nixon, Attorney General of Missouri; Mike McGrath, Attorney General of Montana; Kelly A. Ayotte, Attorney General of New Hampshire; Anne Milgram, Attorney General of New Jersey; Gary King, Attorney General of New Mexico; Roy Cooper, Attorney General of North Carolina; Wayne Stenehjem, Attorney General of North Dakota; Marc Dann, Attorney General of Ohio; W.A. Drew Edmondson, Attorney General of Oklahoma; Hardy Myers, Attorney General of Oregon; Tom Corbett, Attorney General of Pennsylvania; Patrick C. Lynch, Attorney General of Rhode Island; Henry McMaster, Attorney General of South Carolina; Larry Long, Attorney General of South Dakota; Robert E. Cooper, Jr., Attorney General of Tennessee; Greg Abbott, Attorney General of Texas; Mark Shurtleff, Attorney General of Utah; William H. Sorrell, Attorney General of Vermont; Robert McDonnell, Attorney General of Virginia; Rob McKenna, Attorney General of Washington; Darrell V. McGraw, Jr., Attorney General of West Virginia; J.B. Van Hollen, Attorney General of Wisconsin; Bruce A. Salzburg, Attorney General of Wyoming.