The House met at 9 a.m. and was called to order by the Speaker pro tem (Ms. SPEIER).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
December 8, 2009.
I hereby appoint the Honorable JACKIE SPEIER to act as Speaker pro tempore on this day.
NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 25 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

A GREEN LIGHT FOR THE REAUTHORIZATION OF THE SURFACE TRANSPORTATION ACT

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

Mr. BLUMENAUER. Madam Speaker, this is one of those rare occasions where Congress can put everything together for a holiday gift for Americans. People in this city and across the country are obsessed with the concern to create jobs. It is appropriate and imperative that we do so. All the objective evidence suggested that the economic recovery package made a huge difference, but not enough.

NOTICE

If the 111th Congress, 1st Session, adjourns sine die on or before December 23, 2009, a final issue of the Congressional Record for the 111th Congress, 1st Session, will be published on Thursday, December 31, 2009, to permit Members to insert statements.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–59 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Wednesday, December 30. The final issue will be dated Thursday, December 31, 2009, and will be delivered on Monday, January 4, 2010.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event, that occurred after the sine die date.

Senators’ statements should also be formatted according to the instructions at http://webster/secretary/congressional_record.pdf, and submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at “Record@SecSenate.gov”.

Members of the House of Representatives’ statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at http://clerk.house.gov/forms. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT–59.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Office of Congressional Publishing Services, at the Government Printing Office, on 512–0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.
By order of the Joint Committee on Printing.

CHARLES E. SCHUMER, Chairman.
As my friend and colleague Mr. DeFazio, from the Transportation and Infrastructure Committee, has documented, the economic recovery package had only 4 percent of its funds dedicated for infrastructure, but it created 25 percent of the jobs. Mr. Oberstar, and Chairwoman DeLauro, have been working for 3 years on the reauthorization of the biggest infrastructure package that we will look at—the Surface Transportation Act. The evidence is that they are, literally, just seizing this from the opportunity to bring this legislation to the floor.

At the same time, we see the consensus building, at least on the Democratic side of the aisle and with the administration, that it is time to revisit efforts to revitalize the economy, that the original economic recovery package simply wasn't big enough considering the problems that we were facing. There is an opportunity to take unused TARP money, part of the hundreds of billions of dollars that was set aside, to help the financial sector recover after it brought our economy to, literally, the brink of collapse.

Well, we've seen at least that area stabilize. Some of the money is being repaid. The balance is not likely to be needed for an economic emergency like we saw last year. So we should be able to take a significant portion of that unused TARP money and, rather than sending it to Wall Street, sending it into the cities, perhaps to your street to be able to front-load the reauthorization of the Surface Transportation Act to be able to have 6-year funding certainty.

This is a very important opportunity that we should not lose because, at a time when we are concerned about deficits in the Federal budget, there is a yawning deficit in the highway trust fund which simply is not going to be able to meet the current needs of America's roads and transit systems, let alone its future. At the same time, there is an opportunity for us to improve the Federal balance sheet. There is support for the concepts of having user fees that are available to be able to shore up those trust funds that fund infrastructure.

For instance, the administration has placed in its budget the repositioning of the Superfund tax—a tax on the polluters who created these toxic problems, not America, a tax that is expired years ago. The previous folks who ran this place would not allow us even to consider its reenactment. Well, it's in the President's budget, which is one example of where a simple action—having polluters pay—will be able to have the economic activity of cleaning up Superfund sites while we are shoring up the Federal budget.

Madam Speaker, if we move forward with the reauthorization of the Transportation Act, if we deal with water infrastructure, if we beef up our economic recovery efforts, and reenact a Superfund tax, we will have an opportunity to invest in America's future and to put millions of Americans back to work. Unlike other areas of expenditure, this is truly an investment in America's future, which will generate other economic activities and will help the long-term fiscal health of our Nation while we strengthen our families and our children's future.

I hope there is a green light for floor time for the Transportation bill. I hope there is a commitment to front-load the Transportation bill with TARP money and that we can get a Transportation bill passed next month and on its way to the Senate so we can put America back to work.

PUT AMERICA BACK TO WORK AND REBUILD AMERICA'S DECREPIT INFRASTRUCTURE

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

Mr. DeFazio. Mr. Speaker, the President brought the jobs summit to a very unfortunate and, unfortunately, ill-informed close in his summary statement.

The President is skeptical about shovel-ready projects and the term "shovel-ready." Let's be honest. It doesn't always live up to its billing. Well, if he is talking about other than infrastructure, he is right.

The Department of Energy managed to commit a tiny fraction of the money for the stimulus. Very, very ill-advised by a prejudiced group of economic advisers who, for some reason, were frightened by infrastructure at a young age, perhaps. Whatever the reason, they hate it—plain and simple—because the fact is, as the previous gentleman said, 4 percent of the funding, that which was spent and is already committed and is underway in infrastructure, has created 23 percent of the jobs. All of that money will be spent out by next summer.

There are hundreds of billions of dollars in other programs that aren't being spent out so well, but the shovel-ready transportation infrastructure projects are going forward.

We had a report last week. There is $49 billion in bridge and highway projects. We have 160,000 bridges that need reconstruction across America. That's steel. That's concrete. That's construction jobs. That's engineering work. There is no long lead time. There is no lengthy environmental review. We are replacing or rebuilding things that are already in place. In addition to that, there are many other road and highway projects of great merit. That can be committed within 120 days—$49 billion committed within the next construction season—$16 billion in intermodal, port and other access issues.

Then perhaps this will get the attention out at the White House: $20 billion in transit. We are killing people on our roads. We have a decrepit, obsolete infrastructure. When people who make parts for buses have jobs. We have "buy America" provisions so the jobs aren't going to China like the DOE grants are. These are the kinds of investments we need to be making. These things work.

Now, why won't his advisers wake up and tell him the truth?

Most of the jobs—the real jobs—the private-sector jobs—that were created by this last so-called "stimulus," were in transportation infrastructure. The money has been successfully spent and obligated. We can give him those statistics. I defy them to go to any other part of that bill other than the money that kept teachers working and other things that helped the States or the tax cuts where the money has spent out at such a rapid rate.

So it's time to reorient the thinking down there on the economic team at the White House. If we want to put America back to work next year, we need to dedicate more funds for rebuilding our decrepit infrastructure across this country. Get the huge multiplier effect we get with that. We have a total of close to $80 billion of projects ready to go in 120 days. These aren't just your resurfacing things like we saw last year. These are major projects—bridge replacements and major work on transit systems—that are ready to go, that are shovel-ready to go. No lie there.

I hope some of his advisers are listening, that they'll look at the facts and will send the President a corrective memo on these issues.

HEALTH CARE REFORM IN AMERICA

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

Mr. YARMUTH. Madam Speaker, this weekend, my Senator and constituent, Minority Leader Mitch McConnell, made a statement on the
We need a public option plan. My ing you to support health care reform.

Do we need health care reform? You and insurance coverage in May of 2008.

I want to thank you for taking a stand ran and recently unemployed worker,

wealthiest companies in this country.''

Please do not place the citizens of this in place, but they have chosen not to.

ents spend $50,000 per year for my should not just the ones who are healthy."

we were elected to listen to all of them.

Yet my fellow Louisville resident proudly took the floor of the United States Senate this weekend and bragged that he was ignoring his con- stituents, half of them at least. He de- nied them as though a desire for reform is some sort of a preexisting condition that entitles him to abdicate his re- sponsibilities to us.

Senator, you don’t have to take my word for it, and I won’t ask you to go searching through all of your old mail. If you’re listening, I’d like to take this opportunity to introduce you to a few of your constituents and mine—yes, your fellow Kentuckians. Then maybe the next time you exert your consider- able power to stop something that you know is of vital importance to many of your constituents, you will take time to consider their views as well.

Elizabeth of Louisville wrote, “I am a single mother with two children. I am offered health insurance through my employer, but due to the high cost of this insurance, I do not always have enough money to go to the doctor when I need to. Health insurance companies have had at least two decades to get it together and fix the system they have in place, but they have chosen not to.

Please do not place the citizens of this country at the mercy of some of the wealthiest companies in this country.”

Bobby of Okolona wrote, “As a vet- eran and recently unemployed worker, I want to thank you for taking a stand on health care reform. I lost my job and insurance coverage in May of 2008. Do we need health care reform? You bet.”

Mary of Louisville wrote, “I am ask- ing you to support health care reform. We need a public option plan. My brother is a 59-year-old diabetic, and is unable to get health care coverage. He is excluded from any plan.”

Alvin of East End wrote, “Please do not let health care reform fail. I am a Registered Nurse. I’ve worked as a case manager at a local hospital. I have seen private insurance deny patients rehab after a stroke; whereas, with Medicare, we could have seen them.”

Elizabeth of the East End wrote, “I am behind health care reform 100 per- cent. I am worried about our young adult children and how they can afford it. I have a child who had cancer. I’ve told her she needs to have a job that provides health insurance when she graduates. The insurance companies need to provide for those who need it most, not just the ones who are healthy.”

Gregg of Louisville wrote, “Today I received my annual premium increase. My new premium has increased 32 per- cent. This has followed 18 to 25 percent increases in the last 3 years."

Andrea of Shively wrote, “Please vote for the health care bill. I am a heart attack survivor, and I am praying that I can stay with my company to keep my insurance. I will never be able to leave this company now that I have a preexisting condition.”

Sandra of Prospect wrote, “I am to- tally behind President Obama’s health care reform. I have insurance now, but was not allowed to have it for 4 years due to a preexisting condition. I lived in utter terror the entire time, fearing I would lose my house if I became sick.”

Phyllis of the Highlands wrote, “I think we need health care for more people. For years, I struggled as a single parent to pay for health insurance for my five children, and it frequently cost me more than 30 percent of my in- come—in addition to copays.”

Christian of Crescent Hill wrote, “I know what it is like not to have this basic human right, and I know how much better the quality of my life is now that I do not have to worry about it. I believe that it is shameful that we are the only developed country in the world without a public health system, and I would like to voice my support of the President’s plan.”

Finally, Matthew G., a 10-year-old boy from Louisville wrote, “My parents spend $50,000 per year for my brother’s autism, and I think it’s a na- tional crisis. It’s just not fair, and this is a fair country, and everybody, no matter who they are, including my brother, Eric, should be treated equal- ly.”

Senator McCONNELL, these are your constituents, yours and mine, and they are Americans. They are deserving of our attention and not your scorn. Please come with me to Louisville, and I will introduce you to more of the peo- ple who support health care reform for America.
Mr. SESTAK 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.

EXTENDED COBRA CONTINUATION PROTECTION ACT

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

Mr. SESTAK. Madam Speaker, I rise today to ask the House to quickly pass the Extended COBRA Continuation Protection Act to ensure health coverage for millions of Americans who, through no fault of their own, have lost their jobs and now, because Wall Street gambled with their savings, cannot afford the COBRA premiums to keep their health care from their former employer.

So, in the economic stimulus bill we provided 65 percent of the cost of those premiums, but those benefits are now running out for those who were laid off first. I ask this House to quickly pass the bill to extend those COBRA premium subsidies for 6 months.

Take a woman in my district. She pays $535 for her 35 percent share of the premiums. It will go over $1,500 very soon if we do not act. And she has a preexisting condition and must keep on her health care plan.

Hundreds have contacted my office regarding this, and I ask this House to quickly help. As we come out of this savage recession, it’s not just economic security, but it’s health security we must address.

CO₂ IS NOW A POLLUTANT

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Madam Speaker, yesterday was a historic day. It will be a day which lives in economic infamy. The EPA announced that carbon dioxide is now a pollutant.

This was never, ever, conceived by Congress when it passed the Clean Air Act. We now have a situation in which administrators are going to effectively control the entire economy and the way in which we live and the way in which we breathe. This is not the idea of freedom. This is, in fact, not an endangerment finding about clean air. This is an endangerment finding about our freedom.

Our freedom took a vicious blow yesterday, and we, as representatives of our people, must act.

We now find ourselves beginning to climb out of this hole. This week, we will consider a comprehensive financial package that is loud and clear: No more, and I state, no more, no more will we allow financial institutions to engage in abusive behavior with other people’s money. No more will we allow corporate executives to receive cash bonuses for failed investments. No more will we let consumer protection take a back seat to the bottom line of Bank of America or Citibank. The age of taxpayer funded bailouts is over.

Last fall, Americans lost faith in this country’s ability to regulate corporate greed. This week, we have a chance to deliver reform Americans demand. We cannot let them down.

I urge my colleagues to support this bill.

SERVICE ACADEMY APPLICATIONS

(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, all too often we come to this floor to talk about problems in the country. Today, however, I want to mention some good news about the future of America and the next generation of patriotic men and women.

In my district this year, applications to the military service academies increased by 30 percent. Today’s youth, more than ever, are looking to serve this country. And our academies are among the finest universities in the world.

While it may seem counterintuitive that a nation at war would see increased interest in military service, I think that we have remarkable young people who value the sacrifices made by previous generations. They know the value of freedom and liberty and are willing to defend these precious gifts. They’re willing to serve a cause greater than themselves.

We just celebrated Thanksgiving, and I believe we need to be thankful for men and women who are eager to wear the uniform and become leaders in our military services.

WE’RE NOT DOING ENOUGH

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

Mr. TEAGUE. Madam Speaker, Congressional Quarterly recently reported that more American military personnel have taken their own lives in 2009 than have been killed in either the Afghanistan or Iraq wars this year, with 334 members of the military service committing suicide. This staggering number means one thing. We’re not doing enough.

We’re not doing enough to provide adequate mental health care for our returning servicemembers. The National Defense Authorization Act of 2009 was
recently signed into law with a provision that I championed that requires mental health screening for all service members returning from combat. This is the single most effective thing we can do to identify cases of mental illness, reduce the stigma of mental illness, and help our brave men and women in uniform receive the treatment they need and deserve for mental illness. However, we don't have enough mental health professionals to carry out these screenings.

I ask my colleagues to join me in increasing mental health funding and making sure the Defense Department and VA hire the mental health professionals they need to keep our service members well.

CAP-AND-TRADE

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

Mr. SMITH of Nebraska. Madam Speaker, I rise to express my concerns about the rush of some of my colleagues that they seem to be in to enact cap-and-trade legislation. We are seeing serious doubts on the validity of the science which is driving this flawed policy. In fact, the EPA has formally declared greenhouse gas emissions as dangerous pollutants, an action which could prove costly to America's farms, ranches, and small businesses.

At a time of double-digit unemployment, the last thing our country needs is a jobs-killing tax regime imposed on our family-run small businesses and agriculture producers. Agriculture is an energy-intensive industry, relying on fuel for the truck, fertilizer for the crops, and generators to keep heaters on during the winter.

This national energy tax is the wrong way to go, and it's based on flawed science.

HONORING THE LIVES OF THE FOUR LAKEWOOD CITY POLICE OFFICERS KILLED ON NOVEMBER 30, 2009

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

Mr. INSLEE. Madam Speaker, today in Tacoma, Washington, the State of Washington will honor and memorialize the service and lives of four Lakewood City police officers who were slain while on duty on November 30 this year.

Sergeant Mark Renninger, Officer Ronald Owens, Officer Tina Griswold, and Officer Gregory Richards were killed while in the line of duty. And today, in the Tacoma Dome, thousands of Washingtonians will embrace them in their arms and in their hearts and to show our love and respect.

But I just want to note that it is the Nation that appropriately honors and memorializes these four officers, and the reason is that they are symbols of the service of police and sheriff's officers all over this country who are out on dark roads, who are working in dark cities, who are doing the hard detective work it takes to keep us safe. And I hope we will thank the next officer we see for their service.

And I just want to tell these families how I feel. I lost my cousin, a sheriff's deputy, Mark Brown, in 1999 while in the line of duty. My prayers and heart goes out to these families, and I hope all my colleagues will join me in that regard.

THE FINANCIAL SECURITY OF THE UNITED STATES

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

Mrs. SCHMIDT. Madam Speaker, as I was getting ready to come here this morning, I was listening to the television and something was said that really caused me to not just pause but really question what some folks are doing with this country.

Moody's Investment Service has sounded an alarm. It is said that if we do not stop our spending, we will lose our AAA rating. We're in jeopardy of losing our AAA rating in the next 3 to 4 years.

This week we're going to debate an omnibus budget bill that will spend almost a half-trillion dollars—that's a half-trillion dollars more to the deficit we already have. Moody's has warned us we can't sustain the spending, and this is going to cost us our triple-A rating.

Madam Speaker, I question what some folks want to do. We need to pause before we spend the taxpayer dollars. We need to make sure that we do not ruin the financial security of our Nation.

I ask my colleagues to support the "Let Wall Street Pay for the Restoration of Main Street Act." Wall Street needs to be part of the solution, not an ongoing part of the problem.

USING BAILOUT FUNDS AS A SLUSH FUND VIOLATES THE LAW

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

Mr. PENCE. Last year I opposed the Wall Street bailout because I thought it was just wrong to take $700 billion in bad decisions on Wall Street and transfer that debt burden to Main Street and future generations of Americans.

But while I believe the action taken by Congress a year ago was wrong, the TARP legislation actually rightly demanded that any money not used to purchase toxic assets in the bill be used to pay down the national debt. The legislation specifically says that any leftover TARP money goes to deficit reduction.

That's why I have to tell you, Madam Speaker, I was astonished when I heard Speaker NANCY PELOSI last week suggest that her source to pay for a new so-called stimulus bill would be leftover TARP funding. And if press reports are true, the President of the United States will address the Brooklyn Institute this morning and suggest the same.

Let me be clear on this point. To use money from the TARP fund in the
manner that is being discussed by the White House and congressional Democrats would be a violation of the law, and it would betray the trust of the American people.

It seems the Democrats' policy on spending is, if we got it, spend it—no matter where it comes from.

WALL STREET REFORM AND CONSUMER PROTECTIONS ACT

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

Mrs. CAPPS. Madam Speaker, I rise today in strong support of the Wall Street Reform and Consumer Protection Act. This historic legislation will strengthen our financial regulatory system and better protect consumers from abuse by the lending and credit industries. Most importantly, this historic legislation ends “too big to fail” and government bailouts.

Never again will taxpayer dollars be used to bail out Wall Street and their overpaid executives. Large financial institutions like AIG or Lehman Brothers at risk of collapse will be dissolved in an orderly and controlled process, and this process will be paid for by the shareholders, by creditors, and the assets of failed companies—not by the taxpayers.

For years, Wall Street has reaped the spoils of success with no penalties for failure. This bill will end this injustice and force Wall Street to accept responsibility for its failings.

I urge my colleagues to support this bill.

MOTION TO INSTRUCT CONFEREES ON H.R. 3288, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT: 2010

Mr. OLVER. Madam Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Appropriations, I move to take from the Speaker’s table the bill (H.R. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The motion was agreed to.

Mr. LATHAM. Madam Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The motion follows:

Mr. Latham moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 3288 be instructed as follows:

(1) To disagree to any proposition in violation of clause 9 of Rule XXII which:

(a) Includes matter not committed to the conference committee by either House;

(b) Modifies specific matter committed to conference by either or both Houses beyond the scope of the specific matter as committed to the conference committee.

(2) That they shall not record their approval of the final conference agreement (such term is used in clause 12(a)(4) of rule XXII of the Rules of the House of Representatives) unless the text of such agreement has been available for not less than 72 hours prior to the time described in such clause.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Iowa (Mr. LATHAM) and the gentleman from Massachusetts (Mr. OLVER) each will control 30 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. LATHAM. YIELD MYSELF SUCH TIME AS I MAY CONSUME.

Madam Speaker, this is a very basic motion to instruct on what could be a very complicated bill. This motion simply instructs the conferees to refrain from adding any extraneous materials—like other appropriation bills and anything else the provisions included in either the House- or Senate-passed Transportation HUD bill, or THUD bill. This motion also provides any conference report will be available for no less than 72 hours before the conference report will be brought up for final passage in the House.

Madam Speaker, the THUD bill, like every appropriations bill this year, was slammed through the House in July under an unprecedented closed and restrictive rule, all in the name of completing these bills in “regular order.”

The Senate, even with all of its scheduling issues, managed to pass a regular THUD in an open process with an amendment— and I might add by September 17.

This THUD bill should have been considered and passed by early October at the latest. Instead, here we are now in December.

According to the plan as presented to me, Chairman Obey is planning on lumping five other bills with the THUD bill to create an omnibus. Three of those bills—Financial Services, Foreign Operations, and the Labor H bills—weren’t even considered on the Senate floor. Two of those bills—Military Construction-VA and the Commerce, Justice, Science bills—have passed both the House and the Senate, and there is no reason these bills shouldn’t have their own free-standing conferences. In fact, the Commerce, Justice, Science bill was supposed to go to conference on November 17, but that conference got yanked due to some cold feet on the part of the majority at the prospect of having their Members have to vote on Guantanamo Bay policy.

By voting for this motion to instruct, you are voting for regular order process on these bills. We should be able to vote on veterans issues separate from the D.C. issues, the foreign aid issues, and all of the other issues we don’t want stacked together. There are other things like railroad issues, immigration issues. They should all be done separately.

Further, this motion to instruct provides that the House will make available the full text of the conference report to the conferees at least 72 hours prior to consideration. There are billions of dollars at stake and a lot of opacity to digest. It is unlikely that we, as elected Representatives representing our districts, know what we’re voting on. Further, I believe this motion is not inconsistent with Speaker Pelosi’s policy.

I urge a “yes” vote on the simple motion to instruct.

I reserve the balance of my time.

Mr. OLVER. Madam Speaker, the motion that we have before us is essentially the same motion that we had earlier back in September 23, when the Legislative branch appropriations bill was brought to the floor and we were considering doing a continuing resolution for a period of time, which ended up leading to a second continuing resolution by the point that the first one had run out.

The only difference from that motion is that this one now calls for 72 hours rather than 48 hours, thereby making the time constraint a more difficult one given the circumstances that we are now given the point at which we are supposed to have another continuing resolution run out.

So that’s a very small point, because at 48 hours, it would be easier to deal with. Madam Speaker, in a perfect world, we would have 72 hours to further review this bill. However, we cannot guarantee that for the reason that the current CR expires on the 18th and the bills that have been mentioned by the gentleman from Iowa fund critical programs.

The Departments that are funded in these bills cannot wait much longer for the funds, and we want to get the bills enacted for the entire year. It’s already December 8. And we need to get these bills done. Plus, we all know that we need to have plenty of time for our colleagues on the Senate side to act.

Now, Madam Speaker, I would just like to point out that in recent years, in 2005—and all of these, of course, were while the present minority was in the majority, and so they were in control of the procedures that were being followed—in 2005, the omnibus at that time included Agriculture, Commerce, Energy-Water, Foreign Operations, Interior, Labor-HHS-Education, the Leg Branch, Transportation, Treasury, VA-HUD and Foreign Operations and that year happened to be the vehicle being used to bring that process to a conclusion.

So the number of bills that were involved in that process were nine plus
the vehicle, 10 of the 12 bills. In that instance, the Agriculture bill had never been considered in the Senate; the Commerce, Justice and State bills had never been considered in the Senate. In fact, that was before—that was Justice and Judiciary at that point, it was a more complicated bill. Energy-Water never were considered in the Senate. Interior had never been considered in the Senate. Labor-HHS had never been considered in the Senate. Education had never been considered in the Senate. IRS was never considered in the Senate. A series of Members from the Budget Committee, you had legislation here. And he has mentioned that there are several bills that are being added, and I'm not going to exactly repeat those because they are already now a part of the Reconc. and they do not complete our—there is one left. There is a Defense bill that is left.

So we are in a time constraint. We need to move. We have a situation that we understand quite well if I were to go through the list, we have passed all of the Treasury, Commerce at least and Veterans Affairs and Military Construction, but they went in the Senate first. And there were no conferees. And so VA-HUD was never considered in the Senate. And the VA-HUD bill was never considered in either body. And they had not been considered in the Senate, and the VA-HUD bill was never considered in either body. And so this has been done in the past. That was the omnibus bill that finished up our work for the fiscal year 2005 budget.

Going back a year, we considered an appropriations bill to finish up the fiscal year 2004 sequence that included Agriculture, Commerce, State, Justice, District of Columbia, Foreign Operations, Labor-Health-Education, Transportation, Treasury and VA-HUD; and Agriculture was the vehicle. And CJS was never considered in the Senate. D.C. had 36 conformed conferences. The Foreign Operations bill had appointed subcommittees, but never reported a conference report. A report had never been agreed to. Labor-HHS, the subcommittee had been appointed, but then the conference had been discharged from their appointment and brought it back to the full committee. And so VA-HUD never had appointed conferences. And so it goes.

The conferences in these instances included a series of Members from the majority side, from the minority of the committees in each case. At that time, Mr. YOUNG of Florida was the chairman of the Appropriations Committee. And I could go on here. In 2003, the consolidated appropriations resolution that completed the 2003 budgetary events included Agriculture, Commerce, District of Columbia, those were still part of it, except it was still a separate subcommittee, Energy-Water Development, Foreign Operations, Interior, Labor-HHS, Legislative Branch, Transportation, Treasury and Postal Service were now getting back at least two different reorganizations of the jurisdictions of the Appropriations Committee, all done in the period that the present minority making the motion was in control and moved very quickly on the actions.

In that year, 2003, every one of the bills that I have mentioned had never been considered in one or the other branch. Several of them had not been considered in the House, and several of them had not been considered in the Senate. Well, I'm wrong actually. In the House, Leg Branch had never appointed conferences, but it had been considered in the Senate. At that point, it had been postponed. But in the others, the others had never been considered in either House, in one of the two branches at least.
ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX. Record votes on postponed questions will be taken later.

REQUESTING REPORT ON ANTI-AMERICAN INCITEMENT TO VIOLENCE IN THE MIDDLE EAST

Mr. COSTA. Madam Speaker, I move to suspend the rules (H. R. 2778) to direct the President to transmit to Congress a report on anti-American incitement to violence in the Middle East, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H. R. 2778

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ANTI-AMERICAN INCITEMENT TO VIOLENCE IN THE MIDDLE EAST.

(a) FINDINGS.—Congress finds the following:

(1) Freedom of the press and freedom of expression are the foundations of free and prosperous societies worldwide, and with the freedom of the press and freedom of expression comes the responsibility to repudiate purveyors of incitement to violence.

(2) For years, certain media outlets in the Middle East, particularly those associated with terrorist groups, have repeatedly published or broadcast incitement to violence against the United States and Americans.

(3) Television channels that broadcast incitement against Americans in the United States, and others that broadcast incitement to violence against the United States and Americans aid foreign Terrorist Organizations in their key functions to recruit, fund-raise, and propaganda.

(b) STATEMENT OF POLICY.—It shall be the policy of the United States to—

(1) designate as Specially Designated Global Terrorist satanists, ideologists that knowingly and willingly contract with entities designated as Specially Designated Global Terrorists under Executive Order 13224, to broadcast incitement to violence.

(2) Consider state-sponsored terrorism against Americans in the United States, and others that broadcast incitement to violence against the United States and Americans.

(3) Urge all governments and private investors who own shares in satellite companies or otherwise influence decisions about satellite transmissions to oppose transmissions of telecasts by al-Aqsa TV, al-Manar TV, al-Rafidayn TV, or any other Specially Designated Global Terrorist owned and operated stations.

(4) Television channels such as al-Manar, al-Aqsa, al-Rafidayn, and others that broadcast incitement to violence against the United States and Americans.

(5) Television channels that broadcast incitement to violence against the United States and Americans aid foreign Terrorist Organizations in their key functions to recruit, fund-raise, and propaganda.

(c) REPORT.—

(1) REQUIREMENT FOR REPORT.—Beginning 6 months after the date of the enactment of this Act, and every 6 months thereafter, the President shall transmit to the appropriate congressional committees a report on anti-American incitement to violence in the Middle East.

(2) CONTENT.—The reports required under paragraph (1) shall include—

(A) A country-by-country list and description of media outlets that engage in anti-American incitement to violence; and

(B) A list of satellite companies that carry media outlets that engage in anti-American incitement to violence.

(d) DEFINITIONS.—In this section:

(1) ANTI-AMERICAN INCITEMENT TO VIOLENCE.—The term "anti-American incitement to violence" means the act of persuading, encouraging, instigating, advocating, pressuring, or threatening so as to cause an act of violence against any person, agent, instrumentality, or official of, or is affiliated with, or is serving as a representative of the United States.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(3) MIDDLE EAST.—The term "Middle East" means Algeria, Bahrain, Egypt, Iran, Iraq, Israel, the West Bank, Gaza Strip, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, the United Arab Emirates, and Yemen.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. COSTA) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. COSTA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California?

There was no objection.

Mr. COSTA. I yield myself as much time as I may consume as I rise in strong support of this resolution.

Madam Speaker, I want to commend the Chair, the gentleman from New York, JOE CROWLEY, for his leadership on this issue.

This is an important matter. The Obama administration has brought a new, more positive tone to American involvement and anti-Semitism efforts which continue to commit a violent act against any person, agent, instrumentality, or official of, or is affiliated with, or is serving as a representative of the United States.

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of this effort. This legislation attempts to do so.

Finally, H.R. 2278 urges all governments and private investors who are involved with satellite transmissions to oppose the broadcasting of telecasts by any specially designated global terrorist-owned-and-operated stations which openly incite their audiences to commit acts of terrorism or acts of violence against the United States and its citizens or against citizens throughout the world.

I know that the terrorist likes of Hamas and Hezbollah will not soon abandon their mass media attempts of promoting hatred and violence, but there are efforts that we can and should pursue. It is longtime past for all state-owned and privately owned satellite companies, wherever they are located, to cease transmitting these ugly messages which encourage the murder of Americans and our allies. That is why, Speaker, I strongly support this legislation, and I urge all of my colleagues to join me in that support.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. I yield myself such time as I may consume.

Madam Speaker, I also rise in strong support of this legislation authored by my good friend and colleague from Florida, Mr. Bilirakis, and I am a proud cosponsor of this important bill.

I thank Mr. Bilirakis for his vision, and I also wish to extend my gratitude to our colleague from New York, Mr. Crowley, who has been leaders on this important issue.

The bill before us, Madam Speaker, is a successor to a resolution that was passed last Congress condemning the broadcasting of incitement to violence against Americans and the United States in media based in the Middle East and calling for the designation of al-Aqsa TV as a specially designated global terrorist entity.

As we commemorate the 68th anniversary of the United States’ entry into World War II, we know well the power that words have for either good or evil. Before there were factories to drive the Nazi war machine, there were hateful and violent words. Before there were bricks to build concentration camps, there were ugly, dehumanizing words. As we have witnessed, such charged rhetoric invites violent action, and such incitements creates an environment of and conducive to violent Islamic extremism.

As we too sadly learned on September 11, 2001, purveyors of anti-American incitement to violence traffic not only in words but in deeds. Accordingly, this important and critical legislation before us this morning requires that the President submit a report to Congress on the activities of media outlets which engage in anti-American incitement to violence and on the efforts of providers that carry out these messages of hate.

Furthermore, Mr. Bilirakis’ legislation seeks to do the threat posed by the broadcasts of incitement to violence against Americans and the United States on television channels and other media which are accessible in the United States. It will highlight how the threat may increase the risk of radicalization and recruitment of American extremist organizations which seek to carry out attacks against American targets and on American soil.

We cannot allow satellite providers which traffic in and profit from anti-American incitement to violence to remain in the shadows. We must join with the majority of those throughout the Middle East and right here at home who value pluralism, who value tolerance, and, in both word and deed, who reject the purveyors of anti-American incitement to violence and their enablers.

Madam Speaker, I strongly urge my colleagues to support this critical legislation. I thank the author of this important bill, Mr. Bilirakis, for its introduction. As well, I thank our friend from New York, Mr. Crowley.

With that, Madam Speaker, I yield such time as he may consume to my friend from Florida, Mr. Bilirakis.

Mr. BILIRAKIS. Madam Speaker, I rise today in support of H.R. 2278.

I want to thank the gentleman from California, of course my good friend from Florida, and also the gentleman from New York, Mr. Crowley.

My legislation will direct the President to transmit to Congress a report on anti-American incitement to violence in the Middle East. This nefarious activity is escalating in quantity and quality and is fueled by the rapid growth of satellite television throughout the Arab world.

In 2008, al-Manar TV, which is run by Hezbollah, broadcast over two dozen video clips of insurgents bombings natural gas plants in southern Iraq. Further, Iranian state-controlled TV channels, such as al-Rafidayn, repeatedly broadcast calls for “death to America.” Al-Aqsa TV, an arm of Hamas, broadcast a puppet show depicting an Arab child stabbing the President of the United States.

Instead of denouncing such incitement, many countries in the region provide financial, material, and technological support to the purveyors of this material. Jinnah, al-Aqsa, al-Ammar, and others, are transmitted on the satellite providers Nilesat, which is controlled by the Egyptian Government, and Arabsat, which is controlled by the Arab League. Given the dangers such incitement poses to American soldiers and civilians in the region and at home, it is long past time for the U.S. and other responsible nations to stop this growing threat. The passage of H.R. 2278 is therefore critical.

This legislation seeks to designate, under Executive Order 13224, specially designated global terrorist satellite providers which knowingly engage in contracts with entities already designated as specially designated global terrorists.

This bill would also make it the policy of the U.S. to urge all governments and private investors who own shares in satellite companies to oppose transmission of telecasts by any station that openly incite its audience to commit acts of terrorism or violence against the United States and its citizens.

This bill requires the President to transmit a report to Congress that must include a country-by-country list of media outlets that engage in anti-American incitement to violence in the Middle East and a list of satellite companies which carry such media.

Most importantly, it must be the policy of the United States, in crafting its foreign policy, to consider the state sponsorship of anti-American incitement to violence when determining the level of assistance to and frequency in nature of relations with regional states.

Finally, Madam Speaker, the broadcast of incitement to violence against Americans in our country on television channels and on other media that are accessible in the U.S. may increase the risk of the radicalization and recruitment of individuals into foreign terrorist organizations that seek to carry out acts of violence against American targets on American soil. This is a concerning trend that must be addressed.

Madam Speaker, I urge the passage of this very important measure, which I hope will improve our national security and the safety of our soldiers and citizens overseas.

Again, I thank the gentleman from California and the gentlewoman from Florida. I appreciate it very much.

Ms. ROS-LEHTINEN. With that, I reserve the balance of my time.

Mr. COSTA. Madam Speaker, I ask unanimous consent to turn the management of this measure and of the other remaining items to my friend, the gentleman from New York (Mr. Engel).

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

There was no objection.

Mr. ENGEL. Madam Speaker, I rise in strong support of this resolution.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. With that, Madam Speaker, I yield back the balance of my time.

Mr. ENGEL. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. COSTA) that the House suspend the rules and pass the bill, H.R. 2278, as amended.

The question was taken.

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

Mr. BILIRAKIS. Madam Speaker, on that I demand the yeas and nays.
WESTERN HEMISPHERE DRUG POLICY COMMISSION ACT OF 2009

Mr. ENGEL. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2134) to establish the Western Hemisphere Drug Policy Commission, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2134

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the “Western Hemisphere Drug Policy Commission Act of 2009”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) According to the Substance Abuse and Mental Health Services Administration’s (SAMHSA) National Survey on Drug Use and Health, in 2008 in the United States, there were an estimated 25,768,000 users of marijuana, 5,255,000 users of cocaine, 850,000 users of methamphetamine, and 453,000 users of heroin.

(2) Nearly 100 percent of the United States cocaine supply originates in the Western Hemisphere, and the majority of the United States heroin supply originates in Colombia and Mexico.

(3) In those countries, the cultivation, production and trafficking of cocaine and heroin generate violence, instability and corruption.

(4) In the transit countries of Central America, Mexico, Venezuela, Ecuador, Haiti, and other Caribbean countries, drug trafficking is central to the growing strength of organized criminals to threaten local and national law enforcement, political institutions, courts, rule of law, and United States security and interests.

(5) Drug-related violence is on the rise in Mexico and along the United States-Mexico border.

(6) According to the Department of State’s annual Trafficking in Persons report, 2,773 children were trafficked in the Western Hemisphere in 2009.

(7) According to the Department of State’s annual Trafficking in Persons report, 5,661 people died in Mexico in 2008 as a result of drug-related violence.

(8) From 1980-2008, United States counter-narcotics assistance to the State and Defense Departments to Latin America and the Caribbean totaled about $13,300,000,000.

SEC. 3. ESTABLISHMENT OF WESTERN HEMISPHERE DRUG POLICY COMMISSION.

There is established an independent commission to be known as the “Western Hemisphere Drug Policy Commission” (in this Act referred to as the “Commission”).

SEC. 4. PURPOSE.

The Commission shall review and evaluate United States policy regarding illicit drug supply reduction and interdiction, with particular emphasis on international drug policies and programs directed toward the countries of the Western Hemisphere, along with foreign and domestic demand reduction policies and programs. The Commission shall identify policy and program options to improve existing international and domestic counter-drug efforts, with particular emphasis on countering the threat from drug-related violence.

SEC. 5. DUTIES OF THE COMMISSION.

(a) REVIEW OF ILICIT DRUG SUPPLY REDUCTION AND DEMAND REDUCTION POLICIES.—The Commission shall conduct a comprehensive review of United States policies regarding illicit drug supply reduction, interdiction, and demand reduction policies and shall, at a minimum, address the following topics:

(1) An assessment of United States international illicit drug control policies in the Western Hemisphere.

(2) An assessment of drug interdiction efforts, crop eradication programs, and the promotion of economic development alternatives to illicit drugs.

(3) The impact of the Andean Counterdrug Initiative (ACI), the Merida Initiative, the Caribbean Basin Security Initiative, and other programs in curbing drug production, drug trafficking, and drug-related violence in the Western Hemisphere.

(4) An assessment of how to better deploy and employ available technology to target major drug cartels.

(5) An assessment of efforts to curb the trafficking of chemical precursors for illicit drugs.

(6) An assessment of the extent to which the consumption of illicit drugs in the United States is driven by individuals addicted to or abusive of illicit drugs, and the most effective means to reduce United States demand and throughout the world in treating those individuals and reducing the damage to themselves and to society.

(10) Recommendations on how best to improve United States policies aimed at reducing the supply of and demand for illicit drugs.

(11) Assessing the value of supporting relevant government entities and nongovernmental institutions in other countries of the Western Hemisphere in promoting the reduction of supply of and demand for illicit drugs.

(12) An assessment of whether the proper indicators of success are being used in United States drug control policy.

(b) COORDINATION WITH GOVERNMENTS, INTERNATIONAL ORGANIZATIONS, AND NONGOVERNMENTAL ORGANIZATIONS (NGOS) IN THE WESTERN HEMISPHERE.—At the initial meeting, the Commission shall receive a statement of the recommendations, findings, and conclusions of the Commission, including summaries of the input and recommendations of the leaders and organizations with which is consulted under subsection (b).

(c) REPORT.—

(1) IN GENERAL.—Not later than 12 months after the first meeting of the Commission, the Commission shall submit to the Committees on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee of the Judiciary of the Senate, the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor and Pension of the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate, the Secretary of State, the Secretary of Defense, the Secretary of Health and Human Services, the Attorney General, and the Director of the Office of National Drug Control Policy (ONDCP) a report that detailed statement of the recommendations, findings, and conclusions of the Commission, including summaries of the input and recommendations of the leaders and organizations with which is consulted under subsection (b).

(2) PUBLIC AVAILABILITY.—The report required under this subsection shall be made available to the public.

SEC. 6. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of ten members, to be appointed as follows:

(1) The majority leader and minority leader of the Senate shall each appoint two members.

(2) The Speaker and the minority leader of the House of Representatives shall each appoint two members.

(3) The President shall appoint two members.

(b) APPOINTMENTS.—The Commission may not include Members of Congress or other currently elected Federal, State, or local government officials.

(c) PERIOD OF APPOINTMENT.—Each member shall be appointed for a term of two years. Any vacancies shall be filled in the same manner as the original appointment.

(d) DATE.—Members of the Commission shall be appointed not later than 30 days after the date of the enactment of this Act.

SEC. 7. POWERS.

(a) MEETINGS.—The Commission shall meet at the call of the Chairperson or a majority of its members.

(b) HEARINGS.—The Commission may hold such hearings and undertake such other activities as the Commission determines necessary to carry out its duties.

(c) OTHER RESOURCES.—The Commission shall have reasonable access to documents, statistical data, and other such information that the Commission determines necessary to carry out its duties from the Library of Congress, the Office of National Drug Control Policy, the Department of State, the Department of Health and Human Services, the Department of Justice, the Drug Enforcement Administration, the Department of Defense (including the United States Southern Command) and other agencies of the executive branch.

(8) An assessment of United States drug interdiction efforts, crop eradication programs, and the promotion of economic development alternatives to illicit drugs.

(10) Recommendations on how best to improve United States policies aimed at reducing the supply of and demand for illicit drugs.

(11) Assessing the value of supporting relevant government entities and nongovernmental institutions in other countries of the Western Hemisphere in promoting the reduction of supply of and demand for illicit drugs.

(12) An assessment of whether the proper indicators of success are being used in United States drug control policy.

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(c) REPORT.—

(1) IN GENERAL.—Not later than 12 months after the first meeting of the Commission, the Commission shall submit to the

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and legislative branches of the Federal Gov-
ernment. The Chairperson of the Commission
shall make requests for such access in writ-
ing when necessary. The General Services
Administrations shall make out space available for day-to-day Commission
activities and for scheduled Commission
meetings. Upon request, the Administrator of General Services shall provide, on a reim-
bursable basis, such administrative support
as the Commission requests to fulfill its du-
ties.

(d) AUTHORITY TO USE THE UNITED STATES
MAILS.—The Commission may use the United
States mails in the same manner and under
the same conditions as other departments and
agencies of the United States.

(e) AUTHORITY TO CONTRACT.—Subject to
the Federal Property and Administrative
Services Act of 1949, the Commission is au-
thorized to enter into contracts with Federal
and State agencies, private firms, institu-
tions, and individuals for the conduct of ac-
tivities necessary to the discharge of its du-
ties and responsibilities. A contract, lease,
or other legal agreement entered into by the
Commission may not extend beyond the date of
termination of the Commission.

SEC. 8. STAFF.

(a) EXECUTIVE DIRECTOR.—The Commission
shall have a staff headed by an Executive Di-
rector. The Executive Director and such staff
as is needed shall be paid at a rate not more
than the rate of pay for level IV of the Exec-
utive Schedule.

(b) STAFF APPOINTMENT.—With the ap-
proval of the Commission, the Executive Di-
rector may appoint such personnel as the Ex-
ecutive Director determines to be appro-
 priate. The Commission may appoint and fix
the rates of pay for such other personnel as
may be necessary to enable the Commission
to carry out its duties, without regard to the
provisions of title 5, United States Code, gov-
erning appointments in the competitive
service, and without regard to the provisions
of chapter 51 and subchapter III of chapter 53
of said title relating to classification and
General Schedule pay rates, except that no
rate of pay fixed under this subsection may
exceed the equivalent of that payable to a
person occupying a position at level V of the
Executive Schedule under section 5315 of
such title.

(c) EXPERTS AND CONSULTANTS.—With the
approval of the Commission, the Executive Di-
rector may appoint experts and consultants,
with the rates of pay fixed as provided in sec-
tion 5315(b) of title 5, United States Code.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—
Upon the request of the Commission, the head
of any Federal agency may detail, with-
out reimbursement, any of the personnel of
such agency to the Commission to assist in
carrying out the duties of the Commission.
Any such detail shall not interrupt or other-
wise affect the civil service status or privi-
leges of the personnel.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be
appropriated $2,000,000 to carry out this Act.

(b) AVAILABILITY.—Amounts appropriated
pursuant to subsection (a) shall remain
available, without fiscal year limitation,
until expended.

SEC. 10. THE SPEAKER pro tempore.

The Western Hemisphere Drug Policy Com-
mission shall terminate 60 days after the
submission to Congress of its report under
section 7.

The SPEAKER pro tempore. Pursuant
to the rule, the gentleman from New York (Mr. Engel) and the gentle-
woman from Florida (Ms. Ros-Lehtinen) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

Mr. ENGEL. Madam Speaker, I ask unanimous consent that all Members
may have 5 legislative days to revise and extend their remarks and include
extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gen-
tleman from New York?

There was no objection.

Mr. ENGEL. Madam Speaker, I rise
in strong support of H.R. 2134, a bill
that I authored to establish a Western Hemisphere Drug Policy Commission.

I thank Foreign Affairs Chairman HOWARD BERMAN and Ranking Member
ILEANA ROS-LEHTINEN for their support of this bill.

I am particularly grateful to CONNIE MACK, the ranking member of the
Western Hemisphere Subcommittee, which I chair, for being my lead Repub-
lican cosponsor of this bill.

Madam Speaker, billions of U.S. tax-
payer dollars have been spent over the
years to fight the drug trade in Latin America and the Caribbean. In spite of
our efforts, drug use in the United States has increased.

According to the Brookings Institu-
tion, since the peak of the heroin and
cocaine epidemics of the mid-1980s, consumption rates for these narcotics
have remained more or less stable. At
the same time, amphetamine use has
spread.

As Members of Congress, we owe it
to our constituents to do a better job
combating the drug trade and taking
illegal drugs off of our cities' streets. I
believe that we are long past due in re-
evaluating our counternarcotics efforts
here at home and throughout the
Americas.

H.R. 2134 will create an independent
commission to evaluate U.S. drug poli-
cies and programs aimed at reducing il-
licit drug supply in the Americas and
the demand for these drugs here at
home. This commission will assess all
aspects of the illegal drug trade, in-
cluding prevention and treatment pro-
grams in the United States.

The Western Hemisphere Drug Policy
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recommendations on future U.S. drug
policy to Congress and various Cabinet
secretaries, including the Secretary of
State, the Secretary of Defense, the
Secretary of Health and Human Serv-
ces, and the Attorney General.

To tackle our Nation's horrific drug
problem once and for all, we must have
a better sense of what works and what
does not work. The citizens of our
great country, who deal every day with
illegal drugs on their streets, and our
partners in the Americas, who have
worked with us in fighting the drug
trade for years, deserve no less.

Madam Speaker, I have long thought
that, as we try to combat the growing
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worked with us in fighting the drug
trade for years, deserve no less.

Madam Speaker, I have long thought
that, as we try to combat the growing
problem once and for all, we must have
a better sense of what works and what
does not work. The citizens of our
great country, who deal every day with
illegal drugs on their streets, and our
partners in the Americas, who have
worked with us in fighting the drug
trade for years, deserve no less.
Thank you for your cooperation on this matter in the Congressional Record during consideration of the bill. I understand that your inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the bill and agree that the inaction of your Committee with respect to the bill does not mean that U.S. drug policy, both here and abroad, is responsible and is effective.

Already we have seen tremendous results from some of our efforts. For example, in the last 2 years, the price of cocaine in the United States has increased by 80 percent while its purity has decreased nearly 30 percent. Drugs not only poison our children and our communities, but drugs fund and sustain many of the violent criminal groups and extremist organizations lurking in our hemisphere.

Within the last year or so, two major drug rings with ties to Hezbollah have been caught operating in our Western Hemisphere. The comfort with which these criminals traipse around the region is alarming. However, with leaders like Hugo Chavez and Daniel Ortega bending over backwards to let rogue states like Iran expand its presence in the region, it is really no surprise that extremist groups like Hezbollah would also make their homes here.

We cannot allow the Western Hemisphere to become a staging ground for extremists. From money laundering to drug smuggling to arms trafficking, extremists groups like the FARC and Hezbollah are using our drug trade to fund and sustain their operations. The Commission created in the legislation is effective.

The United States must continue to work with our democratic allies to stamp out these threats. I am hopeful that this commission will help us to do just that.

Madam Speaker, I yield back the balance of my time.

Mr. ENGEL. Madam Speaker, let me just say that I have listened to everything that my good friend and colleague from Florida, Congresswoman RO-LEHTINEN, said. I concur with every word that she said.

This is a very important bill. It’s a very important subject, and I urge my colleagues to support the bill.

Mr. BONO MACK. Madam Speaker, I rise in support of H.R. 2134, the Western Hemisphere Drug Policy Commission Act of 2009.

Tackling substance abuse among all age groups will take a domestic and international effort that continually evolves to meet the challenge. The U.S. Government’s approach to reducing the supply of and demand for drugs in the Western Hemisphere is a crucial place to start. This is the primary reason I strongly support this legislation. The challenge is one that not only affects so many families across our country, but also everything from our law enforcement efforts to scientific research, and diplomatic priorities.

The need to act on all fronts—prevention, treatment, research, and law enforcement—is crucial. There’s no silver bullet. In particular, I have serious concerns with the trends we are seeing among our youth toward prescription drug abuse. Drugs like OxyContin are being abused across our country, with 2,500 kids a day using a prescription drug to get high for the first time. Just because of drug abuse, the U.S. Department of Justice has estimated that the average cost of treating an addicted person is $31,000 per year. If you add up the costs of all of the treatment programs, the costs of lost productivity, and the cost of criminal justice on top of the costs of the addiction itself, it amounts to a staggering $584 billion a year.

When I asked the Administration for a response to our request for updated information on the costs of drug abuse from the interagency working group, I was told that they are working on that. I look forward to the Administration getting back to us on how much it has cost taxpayers and what can be done to continue our efforts to curb the supply of drugs.

Before we made the investments in the American戒毒基金 and other efforts by the U.S. Government to reduce the supply of drugs, the price of cocaine and heroin were near their lowest point in decades. However, with the international coordinated effort that continues to be operating in the Western Hemisphere, drug prices have skyrocketed. The price of heroin has increased by 250 percent, and the price of cocaine has increased by 80 percent. The drug trade in our border communities has increased, and drug prices have increased in our own markets.

Mr. ENGEL. Madam Speaker, let me just say that it is a fact that every dollar spent on treatment saves two dollars in costs of incarceration and 10 dollars in costs of productivity. So when we talk about the billions of dollars that are spent on drug treatment, for every dollar spent, we save two in costs of incarceration and 10 dollars in costs of productivity. That’s a very good return on investment.

Just in 2008, over 20 million Americans, or one out of every 12 people, used an illegal drug at least once in their lifetime. Of those 20 million Americans, 12 million used drugs in the last year. Of those 12 million who used drugs last year, 7 million used them on a daily or near-daily basis. This is enough to fill the Rose Bowl stadium five times over.

Mr. ENGEL. Madam Speaker, let me just say that I have listened to everything that my good friend and colleague from Florida, Congresswoman RO-LEHTINEN, said. I concur with every word that she said.

One proportion of the public that we don’t hear enough about is the young people who get addicted. Between 1997 and 2005, the number of 12- to 17-year-olds who used marijuana increased by 55 percent. This means that over the last 12 years, the number of young people who used marijuana grew nearly as fast as if just one of our high schools were filled with students every day.

Mr. ENGEL. Madam Speaker, let me just say that the situation on the border is critical and growing. Just this past week, I had the opportunity to meet with the border patrol and members of the Arizona National Guard. I think it is time for there to be an urgent response to protect our borders and our communities.

Mr. ENGEL. Madam Speaker, let me just say that I have listened to everything that my good friend and colleague from Florida, Congresswoman RO-LEHTINEN, said. I concur with every word that she said.

This is a very important bill. It’s a very important subject, and I urge my colleagues to support the bill.

Ms. ROS-LEHTINEN. Madam Speaker, let me just say that I have listened to everything that my good friend and colleague from Florida, Congresswoman RO-LEHTINEN, said. I concur with every word that she said.
rules were suspended and the bill, as amended, was passed. A motion to reconsider was laid on the table.

ENCOURAGING HUNGARY TO RESPECT THE RULE OF LAW

Mr. ENGLE. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 915) encouraging the Republic of Hungary to respect the rule of law, treat foreign investors fairly, and promote a free and independent press.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 915

Whereas, on October 23, 1956, some 100,000 Hungarian citizens began a nation-wide revolt against the Communist government of Hungary and its domination by the Soviet Union;

Whereas the Hungarian people fought bravely for freedom, democracy, and human rights;

Whereas, on March 12, 1999, the Government of Hungary reflecting the will of the Hungarian people, formally became a member of NATO and on May 1, 2005, Hungary became a full member of the European Union;

Whereas the U.S. government has invested over $9,000,000,000 in Hungary since 1989 and the United States is the fourth-largest contributor and largest non-European contributor to foreign investment in Hungary according to the U.S. Department of Commerce;

Whereas the Hungarian Investment and Trade Promotion Agency reports that foreign direct investment has been crucial in boosting Hungary’s economic performance and remains the driving force behind Hungary’s economic success;

Whereas in 1997, the Hungarian National Radio and Television Board (ORTT) awarded licenses for two national radio stations, which are set to expire on November 19, 2009;

Whereas the two licenses are the only ones that allow for nationwide coverage by commercial, rather than state, radio-broadcast services in Hungary;

Whereas one of these licenses was awarded to a United States company and the other to a European company, each for a total of 12 years;

Whereas the Financial Times reported on November 6, 2009, that before the bids for renewal of their national licenses were due, these companies were approached by individuals claiming to represent the Socialist and Fidesz Parties in Hungary offering to extend their licenses if the parties received 50 percent of the companies’ equity;

Whereas the Financial Times also reported on November 6, 2009, that both stations refused this alleged extortion attempt and the ORTT’s delegates from Fidesz and the ruling Socialist party voted to award the licenses to two politically-connected local bidders instead;

Whereas the Wall Street Journal reported on November 10, 2009, that Hungary’s Prime Minister and the Chair of the ORTT have publicly decried the process by which these licenses were awarded;

Whereas the Economist reported on November 19, 2009, that the Chair of the ORTT resigned in protest and refused to sign the politically-motivated contracts;

Whereas United States investors are an important element in Hungary’s economy and deserve equitable treatment in accordance with United States and Hungarian laws;

Whereas unfair treatment of foreign companies will deter investment and hinder economic growth in Hungary; and

Whereas respect for the rule of law and a free and independent press are the cornerstones of confidence in Hungary: Now, therefore, be it

Resolved, That the House of Representatives

(1) condemns the recent action by the Hungarian National Radio and Television Board that awarded the national community radio licenses;

(2) encourages the Republic of Hungary to respect the rule of law and treat foreign investors fairly; and

(3) encourages the Republic of Hungary to maintain its commitment to a free and independent press.

Mr. KUCINICH. Madam Speaker, I seek to claim time in opposition. The SPEAKER pro tempore. Is the gentleman from Florida opposed to the resolution?

Ms. ROS-LEHTINEN. Madam Speaker, I do not oppose this resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KUCINICH) and the gentleman from Ohio (Mr. KUCINICH) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. ENGLE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to devise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. KUCINICH. Madam Speaker, American companies have invested over $9 billion in Hungary since 1989. Hungary’s economy, as with every country, has been severely affected by the global economic downturn. We support U.S. companies’ investment in Hungary, but we note that events such as this case give rise to questions about the fairness and transparency of doing business in Hungary.

We welcome the Prime Minister’s commitment to investigate any complaint relating to foreign investments, and the decision by the Hungarian Parliament’s Constitutional and Justice Committee to set up a body to examine the radio license transaction.

Hungary is a close friend and ally of the United States, and we urge the government to take all necessary steps to ensure that foreign investors are treated fairly, I urge all of my colleagues to support this important resolution.

Madam Speaker, I ask unanimous consent to split the time evenly in favor of the resolution, with my colleague, Ms. ROS-LEHTINEN of Florida.

PARLIAMENTARY INQUIRY

Mr. KUCINICH. Madam Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. KUCINICH. The gentleman asks for unanimous consent to split the time between himself and Ms. ROS-LEHTINEN. I have already claimed time in opposition. What does the Chair rule on that?

The SPEAKER pro tempore. The gentleman from Ohio will control 20 minutes in opposition.
Is there objection to the request of the gentleman from New York that the gentlewoman from Florida control 10 minutes of the time in support? Without objection, the gentlewoman from Florida will control 10 minutes.

The Chair recognizes Mr. KUCINICH.

Mr. KUCINICH. Madam Speaker and my colleagues, as Chair of the Hungarian American Caucus, I want to bring to the attention of this Congress the concerns that have been raised about H. Res. 915, legislation which "encourages the Republic of Hungary to respect the rule of law, treat foreign investors fairly, and promote a free and independent press."

This legislation issues broad condemnation of the Republic of Hungary without regard to current legal proceedings that should receive more discussion. I urge my colleagues to consider the consequence of this legislation before casting a vote.

It's already been stated that the Hungarian Prime Minister has given statements questioning the award of the contract, that there is a parliamentary committee looking into it, that courts are reviewing it, and that, in fact, there's a prosecutorial investigation of the offense.

I have contacted the Hungarian Government, and in response to this congressional inquiry, the Hungarian Government pointed out that the licenses awarded to two national radio stations by the Hungarian National Radio and Television Board are under judicial review before the court: "A criminal procedure related to the issue was launched with the prosecutor's office."

Now, if this doesn't indicate a responsibility by the government to the award of the contract, I don't know what does. The question then comes, Why is this even on the floor of the House as a suspension?

I stand by the right of every Member of this body to protect the interest of any business in any district. That's what we're here for. But I think that to put this resolution before the House for passage before any committee meetings have been held to review the actual extent of the Hungarian Government's involvement or lack thereof is really not consistent with our duties and due diligence on every piece of legislation.

Now, the Hungarian National Radio and Television Board awarded 12-year licenses to two national radio stations in 1997, to two companies, one based in the United States and another in Europe. The licenses expired last month and are the only licenses that allow for nationwide coverage by commercial rather than state-run radio broadcast services in Hungary. Following a national bidding process, the licenses were awarded to two Hungarian companies. Members across the political spectrum in Hungary have raised concerns regarding the manner in which the licenses were issued, and a U.S.-based telecommunication company filed legal proceedings in Hungarian court.

Now, the legislation accurately states the importance of foreign investment and a need for equitable treatment in accordance with the United States and Hungarian laws. However, broad condemnation of the Republic of Hungary, charging the country, or implying that post-election corruption without allowing legal processes to take place is more than problematic. This dispute should be resolved in Hungarian courts, which can render judgment and provide sufficient remedy to the injured party including, if they care to, revoke existing licenses, forcing a new round of competitive bidding, or awarding compensation. I mean, these are all things that the Republic of Hungary has the opportunity to do. But I just want to get back to the legislation itself, which raises questions about the integrity of the government itself. And, frankly, I don't think that's appropriate given the scope of the legislation and the grievances that Members have about the contract-awarding procedure.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

The bill before us, House Resolution 915, encourages the Republic of Hungary to respect the rule of law, treat foreign investors fairly, and promote a free and independent press.

Since breaking the chains of communist dictatorship and Soviet domination, Hungary has made significant progress in implementing democracy and economic reforms. I congratulate the Hungarian people and its government for these significant steps. It has also become a full member of the Trans-Atlantic community, having joined both the NATO alliance and the European Union.

In light of how far Hungary has come in just two decades since the fall of the Iron Curtain in integrating itself in Western institutions and embracing basic freedoms, some recent developments in that country regarding the freedom of the press and the rule of law have raised serious concern.

Specifically, political appointees to a government body that administers Hungary's airwaves have reportedly taken away two radio licenses from foreign-owned stations, one of them an American company, and have given the licenses to local firms that have links to Hungary's major political parties. The chairman of that government body administering the airwaves has resigned as a result, stating that the decision to take the licenses away from the foreign firms violated the law.

Madam Speaker, the manner in which this Hungarian Government body reportedly treated these foreign companies also may raise concerns about Hungary's full commitment to a free and independent press. Politicalcronyism, corruption, and restriction on the media are relics of the old communist system and the old parties. The Hungarian people do not wish to resurrect these harmful policies. Not just foreign investors in Hungary but the Hungarian people deserve much better. They have worked too hard. They have gone through too much to make their beautiful country, Hungary, a free and democratic nation.

The sponsors of this measure, Mr. DONNELLY, Mr. PENCE and Mr. BURTON, have introduced this resolution which condemns the recent action by the Hungarian National Radio and Television Board. It encourages the Republic of Hungary to continue to promote and respect the rule of law and treat foreign investors fairly. And, lastly, it encourages the Republic of Hungary to maintain its strong and vibrant commitment to a free and independent press.

Madam Speaker, I reserve the balance of my time.

Mr. ENGEL. Madam Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. DONNELLY).

Mr. DONNELLY of Indiana. Madam Speaker, I rise in support of House Resolution 915, a resolution that encourages Hungary to respect the rule of law, treat foreign investors fairly, and promote a free and independent press.

I appreciate the words of my good friend from Ohio, but I would just like to say that this resolution expresses our concern and condemns the Hungarian Radio and Television Board's process in granting these licenses. It does not question the Government of Hungary's efforts and it does not question our full confidence in their ability to resolve this matter. We welcome the government's steps in moving this forward.

For decades the Hungarian people fought against communist rule for the chance at freedom and democracy. They have been our ally, they joined NATO in 1999, and the country of Hungary is a good and dear friend of the United States of America. We must ensure that this friendship is maintained in a healthy and engaged way and that it continues to foster economic growth for our countries.

In 1997 the Hungarian National Radio and Television Board, ORTT, awarded licenses for two national radio stations. One of these licenses was awarded to an American company, the other to a European company, each for a total of 12 years. These terms ended on November 19 of this year. The Financial Times reported on November 6 that shortly before these bids of re-
They offered to extend these companies' licenses if they received 50 percent of the equity. Both companies refused this attempt, and the ORTT voted to award these licenses to two connected local bidders instead.

We urge the fullness and fairness that will be provided by the Government of Hungary's review, and we want to make sure that this resolution expresses our concern and condemns the actions of the ORTT.

U.S. investors are an important part of the Hungarian economy and deserve equitable treatment. We have invested over $9 billion in Hungary since 1989. The friendship is strong, the friendship is unbreakable, and we are the fourth largest contributor to direct foreign investment in Hungary.

This resolution, as indicated, expresses our concerns and condemns the ORTT’s actions, and we ask the Government of Hungary to treat foreign investors fairly and fully respect the rule of law. We know there will be an investigation into Hungary's review, and we urge our colleagues to support this resolution, to pass House Resolution 915.

Ms. ROS-LEHTINEN. Madam Speaker, I continue to reserve the balance of my time.

Mr. ENGEL. Madam Speaker, I yield the balance of my time.

Mr. KUCINICH. Madam Speaker, this resolution encourages the Republic of Hungary to respect the rule of law. Now, if you’re encouraging someone to respect the rule of law, the underlying assumption is that they don’t.

I think that to look at the action of a single agency and to put a broad brush on an entire national government is really grossly unfair. To imply that Hungary does not respect the law is actually an insult to the people of Hungary, who put their lives on the line in 1956 fighting to break free of domination by the Soviet Union, who put their lives on the line to be able to establish a democracy and self-determination.

Is this what they deserve? Do the people of Hungary really deserve to be treated this way? This should have been handled diplomatically. This should have been handled at a committee level before bringing it to the floor of the House of Representatives.

And with respect to foreign investors, since the Government of Hungary has itself launched an investigation into the award of this contract, doesn’t that show that they want foreign investors to be treated fairly? Doesn’t it show that they respect the rule of law by going forward to raise the potential of prosecution of people involved in the award of this contract? Don’t we already have what it is that this legislation supposedly aspires to, evidence of respect for the law and fair treatment of foreign investors?

There is no evidence that the Republic of Hungary has suddenly taken a tilt towards Soviet-type control of the press; I hope that no one is seriously asserting that Hungary is a proud and free society, and we should be very careful about moving forward with resolutions that in any way imply otherwise, not to say simultaneously, well, Hungary is a law-abiding nation, and then say, well, they ought to respect the law.

So again, I wish that the sponsors of this legislation, who I deeply respect and who I know are working very hard for their constituents and the business community as well as for all the people in the district that they represent, might take another look at this and maybe send it to committee so that we could have the opportunity to have a deeper discussion about the advisability of the legislation, and maybe to tailor it even more firmly. I mean, I could agree with questioning the action by the Hungarian National Radio and Television Board—the Hungarian Government is questioning that action, but to challenge the entire government’s integrity by raising questions about already taken action to raise questions itself about the award of a contract, really we have to ask what we’re doing here.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield back the balance of my time and I thank the gentleman from New York.

Mr. ENGEL. Madam Speaker, I yield myself such time as I may consume.

I just want to answer the gentleman from Ohio, for whom I have profound respect. And I want to do it by just reading what this resolution says because I don’t think it implies what he thinks it implies.

First of all, at the start of the resolution we talk about the brave people of Hungary and how they rose up against domination, Communist domination, Soviet domination in 1956, and whereas the Hungarian people fought bravely for freedom, for democracy, and human rights. And we talk about celebrating the fact that they have become a member of NATO and a member of the European Union. And at the end the bill simply says, and let me read it, “Resolved, that the House of Representatives (1) commends the recent action by the Hungarian National Radio and Television Board that awarded the national community radio licenses; (2) encourages the Republic of Hungary to respect the rule of law that foreign investors fairly; and (3) encourages the Republic of Hungary to maintain its commitment to a free and independent press.” I don’t think that implies anything; I think that it encourages them.

And obviously this resolution is bipartisan. It was a company from Indiana that was wronged, and that is why you have Mr. DONELLY, Mr. BURTON and Mr. PENIX from different parties, but all from Indiana, very concerned about this. So I don’t think this casts any aspersions on Hungary, its people, or its government; quite the opposite, I think clearly in the resolution it celebrates the great partnership and alliance that we have with Hungary and all the brave things that the Hungarian people did during the past 50 years. I just wanted to point that out.

I reserve the balance of my time.

Mr. KUCINICH. I question why this resolution was brought before this House under suspension. I question why an effort by the proponents of the legislation wasn’t made to contact the Hungarian Government and to learn that their position is in fact that there is a judicial review and that there is a criminal procedure related to the issue that was launched with the prosecutor’s office because that would clearly indicate action being taken on the part of the government to look at this particular contract.

This matter on the floor of the House of Representatives? Why are we taking this time to look at something that is already under review by the Hungarian Government and doing it in the context of urging the Hungarian Government to respect for law? That’s what they’re doing, they are showing respect for law by taking this forward. Why do they need to be encouraged? Everyone here understands what that means; we’re implying that they don’t respect the law unless their judicial response is a certain way. That is not an appropriate way to proceed here. And again, it is very difficult when you have a colleague who you want to agree with on everything present a resolution with which you don’t agree.

I reserve the balance of my time.

Mr. ENGEL. Madam Speaker, I yield 1 minute to the author of this resolution, the gentleman from Indiana (Mr. DONELLY).

Mr. DONELLY of Indiana. And I, too, have the greatest respect and friendship for my colleague from Ohio, but I did want to comment that we, in fact, did meet with the Hungarian Ambassador and did meet with him in my office here at the Capitol. And there is no implication in any way that Hungary does not respect the rule of law; in fact, we are very, very proud of the partnership and friendship that has been formed. And as we are trying to do is express our concern about the conduct of the Hungarian Radio and Television Board, a concern we also expressed to the Hungarian Ambassador. And we are hopeful that this will be removed in the near future.

Mr. ENGEL. Madam Speaker, I reserve the balance of my time.

Mr. KUCINICH. As my colleague has stated, this resolution is intended to address the actions of the Hungarian National Radio and Television Board; that’s what this resolution is about.

But yet, in the same breath, we’re asking the Hungarian Government to respect the rule of law. Is
Mr. DONNELLY's resolution. I don't think it is appropriate for me to strike anything.

PARLIAMENTARY INQUIRY

Mr. KUCINICH. Parliamentary inquiry.

Mr. KUCINICH. Is a motion to strike in order by the manager of the bill, or would the sponsor of the bill have to ask for such a motion?

The SPEAKER pro tempore. A motion to suspend the rules is not amendable.

Mr. KUCINICH. So since this legislation is being offered under suspension, then no motion to strike would be in order; is that right?

The SPEAKER pro tempore. The gentleman is correct. A motion to suspend the rules is not amendable.

Mr. KUCINICH. Okay. I withdraw my request for a colloquy with my friend from New York.

I just think if it was so important to bring this to the floor, it should have been tailored quite narrowly to talk about the Hungarian National Radio and Television Board and not to take a broad brush with which we paint the Government of Hungary does not respect the rule of law, treat foreign investors fairly, and promote a free and independent press.” I don’t think anyone can disagree with that, not even my friend from Ohio. And I will yield.

Mr. KUCINICH. With all due respect to my good friend, Mr. ENGEL, you have compared this to a tempest in a teapot. It’s your teapot and it’s your tempest.

Mr. ENGEL. Well, let me say to my friend, it’s not my tempest and it’s not my teapot. I wish the gentleman had a little bit earlier we might have been willing to accommodate him, but not knowing about it and being blindsided by his objection, I think it’s kind of a tempest in a teapot. I wish the gentleman had come to us earlier before we were having the vote scheduled. We did not know of his objections prior to this debate. And perhaps if he had come to us a little bit earlier we might have been willing to accommodate him, but not knowing about it and being blindsided by his objection, I think it’s kind of a little bit difficult to change it.

Mr. KUCINICH. Will the gentleman yield?

Mr. ENGEL. No. I have yielded enough.

Mr. PENCE. Madam Speaker, I rise in support of H. Res. 915, a resolution of the House of Representatives encouraging the Republic of Hungary to respect the rule of law, treat foreign investors fairly, and promote a free and independent press.

I would like to thank my Indiana colleagues, especially Congressmen JOE DONNELLY and BARON HILL, for their yeoman’s work on this issue. Chairman HOWARD BERMAN and Ranking Member LEANA ROS-LEHTINEN also were instrumental in bringing this important resolution to the floor.

What could and should have been a fair competition to rebid Hungary’s only two national FM radio broadcast licenses is now mired in allegations of political corruption. As nine embassies in Hungary including the United States warned in a joint letter last month, we are concerned that such instances of non-transparent behavior affecting investors could discourage foreign investment and hamper economic growth in Hungary.

This concern is underscored by a report commissioned by the Public Procurement Council in Hungary, which recently found that between 70 and 90 percent of all public procurements in Hungary are tainted by corruption.

The broadcast licenses previously held by Slager Radio (owned by an Indianapolis-based company) and Danubius Radio (owned by a Vienna-based private equity firm) were recently awarded by the Hungarian National Radio and Television Board (ORTT) to other bidders despite unrealistic business plans and irregularities in those bids that I am told have disqualified them under Hungarian media law. Not only that, but prior to the ORTT’s highly controversial decision, Slager and Danubius were reportedly approached by agents of the Fidesz and Socialist parties seeking to acquire partial control of the stations to ensure their licenses would be renewed.

Although the ORTT chairman rescinded his protest against the contracts, the delegates appointed to the ORTT by the Fidesz and Socialist parties all voted in favor of the two new stations. A poll of Hungarians suggested that six of out ten agreed that the decision to end the broadcast rights of Slager Radio and Danubius was “unjust.”

Slager and Danubius have appealed the ORTT decision, but litigation could drag on for years, while their popular broadcasts were forced off the air on November 18 of this year, the very day we introduced this resolution. In addition, the Hungarian parliament voted to investigate the matter and a prosecutor is looking into whether criminal charges are warranted. I am encouraged by these steps and it is certainly my hope that the matter will be expeditiously resolved.

U.S. and other foreign investors deserve equitable treatment in accordance with Hungarian law. It bears mentioning that the United States is the fourth-largest contributor to foreign investment in Hungary and the largest non-European source of investment. The United States has invested over nine billion dollars in Hungary since 1989.

Unfair treatment of foreign companies will deter investment and hinder economic growth, while upholding the rule of law and promoting a free and independent press—as we urge in this resolution—would instead spur investor confidence.

In conclusion, we bring this resolution to the floor of the U.S. House of Representatives today in solidarity with all Hungarians demanding a through and expeditious investigation into the highly questionable circumstances surrounding the awarding of these radio licenses and fair competitions in public procurements that will demonstrate Hungary’s commitment to respect the rule of law, treat foreign investors fairly and promote a free and independent press.

Mr. ENGEL. I yield back the balance of my time.
Mr. KUCINICH. Madam Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, further proceedings on this motion will be postponed.

EXPRESSING SOLIDARITY WITH EL SALVADOR

Mr. ENGEL. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 213) expressing the sense of Congress for and solidarity with the people of El Salvador as they persevere through the aftermath of torrential rains which caused devastating flooding and deadly mudslides, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

Whereas on November 9, 2009, parts of El Salvador were decimated by floods brought on by Hurricane Ida;

Whereas Hurricane Ida caused the death of over 190 people in El Salvador, and made over 14,000 homeless, with both of those numbers likely to rise;

Whereas over 1,300 homes have been destroyed by the mudslides;

Whereas the small coffee growing town of Verapaz, population 7,000, has almost been completely destroyed;

Whereas reports have stated that up to 10,000 Salvadorians may need emergency food assistance;

Whereas Hurricane Ida also left about 13,000 people homeless in Nicaragua and damaged about 100 homes in Guatemala;

Whereas neighboring nations of El Salvador have provided relief to the people of El Salvador;

Whereas the United States, through the U.S. Agency for International Development and the U.S. Southern Command, has provided significant emergency relief and assistance to the people of El Salvador in the wake of Hurricane Ida; and

Whereas El Salvador has begun the process of recovering from this natural disaster. Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) expresses solidarity with all people affected by Hurricane Ida;

(2) commends the brave efforts of the people of El Salvador and Central America as they recover from Hurricane Ida;

(3) applauds the coordination between the countries of Central America during the relief effort, providing relief to the people of El Salvador;

(4) acknowledges the efforts of the government of El Salvador to work closely and promptly with the United States to assist the affected population;

(5) recognizes the progress made by El Salvador on disaster preparedness capacity and their efforts to invest in disaster risk reduction; and

(6) urges the President to continue to make available assistance to help mitigate the effects of the natural disasters that have devastated El Salvador.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ENGEL) and the gentle-

woman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes. The Chair recognizes the gentleman from New York.

General LEAVE

Mr. ENGEL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. ENGEL. Madam Speaker, I rise in strong support of H. Con. Res. 213, a resolution expressing our support for the people of El Salvador as they persevere through the aftermath of floods brought on by Hurricane Ida. I am the chairman of the Western Hemisphere Subcommittee of the House Foreign Affairs Committee, and I feel especially strongly about a resolution like this. I want to thank the ranking member of my subcommittee, CONNIE MACK, the gentleman from Florida, for introducing this important resolution.

On November 9, a large portion of El Salvador was devastated by floods brought on by Hurricane Ida: 196 people were killed, 78 people are missing, and nearly 14,000 individuals are displaced from their homes. Our thoughts are with the people and Government of El Salvador as they cope with these difficult times.

The United States, through USAID and the U.S. Southern Command, has provided significant emergency relief and assistance to the people of El Salvador in the wake of Hurricane Ida. The President of El Salvador, Mauricio Funes, and his government have worked closely with the United States to assist the affected populations.

Let me add that I attended the inauguration of President Funes in El Salvador with Secretary of State Hillary Clinton just a few months ago, and I am glad that our governments are working so closely together. And let me say that I have great confidence in President Funes as he takes on these crucial disaster relief efforts. I had the pleasure, when I attended the inauguration of Mr. Funes with Secretary Clinton, of meeting with then President-elect Funes at the Summit of the Americas in Trinidad as well, so I have discussed things with him twice.

As I have said, the U.S. and other countries have already done a great deal to assist El Salvador during this difficult time, but I believe much more remains to be done. I urge my colleagues to support this crucial legislation, and I again thank Representative MACK for his important initiative.

I encourage the Obama administration to also support disaster relief efforts in Nicaragua and Guatemala, and we need to continue to assist the government and people of El Salvador and prevent future disasters by investing in the country’s infrastructure. And I want to, again, say that Hurricane Ida’s damages were not limited to El Salvador. Guatemala and Nicaragua were impacted as well.

So I want to thank my friend, Congressman MACK, and I reserve the balance of my time.
At this time, Madam Speaker, I would like to yield such time as he may consume to the gentleman from Florida (Mr. MACK), the ranking member of the Foreign Affairs Subcommittee on the Western Hemisphere and the author of this measure.

Mr. MACK. Thank you to Chairman Berman, and a special thanks to Ranking Member Ros-Lehtinen for all of her efforts and her leadership, for bringing this resolution to the floor. I’d also like to thank my colleague from New York, Congressman Towns, for joining me in introducing this resolution. Finally, I also want to thank my chairman, Chairman Engel, for his leadership in my hemisphere. It has been a pleasure working with Chairman Engel on the important issues facing the Western Hemisphere.

Madam Speaker, the people of El Salvador were hit hard by Hurricane Ida. As a Floridian, I understand how destructive and devastating a hurricane can be. We in Florida know what it’s like to see the eye of a hurricane coming our way and how it impacts our lives. My heart goes out to the thousands of lose homes, and children who have had their lives completely changed by Hurricane Ida and who are, as we speak, picking up the pieces and slowly rebuilding their destroyed villages.

As the ranking member of the Western Hemisphere Subcommittee, I believe it’s important that the people of El Salvador understand that the people of the United States support them during these difficult times. I also think it’s important to note how several nations worked together and continue to do so to ensure the people of El Salvador are getting the help they need to rebuild. From Honduras, our forces were on the front line, to the United States, our relief efforts were massive, and to my Florida colleagues as well as the ranking member of our subcommittee, I yield back the balance of my time.

Mr. ENGEL. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution, H. Res. 213, as amended.

The question is on the motion offered by the gentleman from New York (Mr. Engel) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 213, as amended.

The question is on the motion offered by the gentleman from New York (Mr. Engel) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 213, as amended.

The motion to reconsider was laid on the table.

EXPRESSING SYMPATHY TO THE PHILIPPINES

Mr. ENGEL. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 218) expressing sympathy for the 57 civilians who were killed in the southern Philippines on November 23, 2009.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 218

Whereas, on November 23, 2009, 57 unarmed civilians were slain in Maguindanao in the worst politically motivated violence in recent Philippine history;

Whereas those killed were on their way to file nomination papers on behalf of Ismael Mangudadatu, vice mayor of Buluan, who intended to run against Andal Ampatuan, Jr., who is currently mayor of Datay Unsu, in next year’s gubernatorial elections to succeed Andal Ampatuan, Sr., the father of Andal Ampatuan, Jr.;

Whereas many of those killed were women and children, including the wife of Vice Mayor Ismael Mangudadatu and his two sisters;

Whereas most of the women were reportedly gang-raped and their bodies were mutilated after being shot;

Whereas as of December 2, 2009, initial charges have been filed in connection with the massacre, according to the media reports;

Whereas the Freedom Fund for Filipino Journalists reports that at least 30 journalists and media workers were killed in the Maguindanao massacre;

Whereas, the Committee to Protect Journalists reports that prior to the Maguindanao massacre, 30 journalists had been killed in the Philippines since 2000, and suspects were prosecuted in no more than 4 cases, putting into question the safety of journalists and the integrity of independent journalism in the Philippines;

Whereas government prosecutors and judges with jurisdiction over the massacre have allegedly received threats and have been told to “go slow” on the investigation;

Whereas President Gloria Macapagal Arroyo declared a state of emergency in Maguindanao the day after the massacre, saying that “no effort will be spared to bring justice to the victims”;

Whereas extrajudicial killings and election-related violence are common in the Philippines, though never on this scale and rarely with this level of brutality; and

Whereas the United States and the Philippines share a strong friendship based on shared history and the commitment to democracy and freedom; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) regrets the senseless killing of unarmed civilians and expresses its deepest condolences to the families of the 57 victims;

(2) condemns the culture of impunity that continues to exist among clans, politicians, armed elements, and other persons of influence in the Philippines;

(3) calls for a thorough, transparent, and independent investigation and prosecution of those who are responsible for the massacre, including those who committed the killings and those who may have ordered them, and that the proceedings be conducted with the highest possible level of professionalism, impartiality, and regard for witness protection to assure the Filipino people that all the responsible persons are brought to justice;

(4) calls for an end to extrajudicial killings and election-related violence;

(5) calls for freedom of press and the safety of the reporters investigating the massacre;

(6) urges the Departments of State and Justice and other United States Government agencies to review their assistance programs to the Government of the Philippines, and to offer any technical assistance, such as forensics support, that Philippine authorities may request; and

(7) reaffirms the United States commitment to working alongside Philippine authorities to combat corruption, terrorism, and security threats.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. Engel) and the gentleman from Florida (Ms. Ros-Lehtinen) each will control 20 minutes.

The Chair recognizes the gentleman from New York.
may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

The Chair. No objection.

Mr. ENGEL. Madam Speaker, I rise in strong support of this resolution, and I yield myself as much time as I may consume.

Madam Speaker, this concurrent resolution extends our profound condolences to the people of the Philippines who witnessed the worst election-related violence in the country’s recent history. I’d like to thank the chairman of our committee, HOWARD BERMAN, for his leadership in bringing this resolution before the House.

On November 23, 57 civilians were killed in Maguindanao in the southern Philippines. They were on their way to file nomination papers on behalf of Isamalampau Ampatuan, who intended to run against Andal Ampatuan, Jr., the son of the incumbent governor in next year’s elections. Many of those killed were women and children, and at least 30 journalists were also killed, putting into question the safety of journalists and the integrity of independent journalism in the Philippines.

I want to extend my deepest sympathy and support for President Gloria Macapagal Arroyo, who has taken strong measures to hold accountable those who are responsible for this atrocity, vowing that “no effort will be spared to bring justice to the victims.” The United States and the Philippines maintain strong bilateral ties based upon historical relations, common interests, and shared values.

This resolution underscores our commitment to its important relationship during difficult times.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I’d like to yield myself such time as I may consume.

Madam Speaker, I rise in support of this resolution which commemorates the victims of the worst political violence in recent Philippine history. The wholesale massacre of 57 innocent persons, including women, children, and journalists, can only be termed as shocking even in this era of mass violence. The fact that this attack, which included mutilation and rape, took place on a convoy headed to register a candidate for election is a cause for concern for all who uphold democratic values and the rule of law.

I held discussions earlier this fall with my Filipino friends, keen political observers who warned of the potential for corruption, intimidation, and even violence in the run-up to elections in May or November.

Extrajudicial killings have sadly become rather commonplace in the Republic of the Philippines. Over 30 journalists have reportedly been killed since the year 2000, with prosecutions in only four cases. The pen may be mightier than the sword, but no pen can maintain its strength if so easily cut down.

The Philippines is, after all, no ordinary republic. It is the only Asian nation that first incorporated democratic values as a territory of the United States of America. It was to the Philippines that General Douglas MacArthur vowed to return after the court-martial of Corregidor and the agony of the Bataan death march.

American blood was shed, American treasure expended, American youth lost to give birth to the Philippine democracy in the post-World War II world. That is why the massacre of November 23 must be of concern to all of us as the political heirs to those brave veterans of the Philippines. Anything less than a thorough, transparent, and independent investigation of this massacre is a dereliction of duty.

The success of the global war on terror in this volatile southern region of the Philippines depends on a full implementation of transparency and the rule of law.

The People Power Revolution of 1986—which the United States both celebrated and assisted—requires open, fair, and violence-free Presidential elections in May of 2010. Anything less would besmirch the memory of those who have fought and died so that the Philippines might have government of the people, for the people, and by the people. This dream, Madam Speaker, may only be achieved if the truth of the November 23 massacre is fully disclosed.

With that, Madam Speaker, I reserve the balance of my time.

Mr. ENGEL. Madam Speaker, I yield 1 minute to the gentleman from Texas, Congressman AL GREEN.

Mr. GREEN. Madam Speaker, I yield 20 seconds to the Chair and the ranking member.

I would like to quickly give 200,000 reasons why we should be concerned about this incident—200,000. That’s the number of persons from the Philippines who served with the United States military in World War II.

The Philippines have earned our respect, and they’ve earned our necessity to step forward in times of difficulty for them. We owe it to ourselves to make sure that injustice in the Philippines and regard for witness protection. And this is the issue: whether in our own country or elsewhere, whenever a government is unwilling to administer justice, it prepares the ground for human rights violations.

My good friend’s resolution addresses these issues. It condemns the “culture of impunity” that precedes and enables such a crime, and calls for a “transparent and independent investigation and prosecution” of those responsible, and the proceedings to be conducted with the highest possible level of “impartiality and regard for witness protection.” And this is the issue: whether in our own country or elsewhere, whenever a government is unwilling to administer justice, it prepares the ground for human rights violations.

This resolution also calls for an end to extrajudicial killings and political violence, and for press freedom and safety. Finally, it urges our government to offer technical assistance to the investigation.

Madam Speaker, let us ask God to comfort all those who have lost family members and friends in this terrible crime. I urge my colleagues to support this resolution.

Mr. ENGEL. With that, I yield back the balance of my time.
ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Voting will be taken in the following order:

The motion to instruct conferrees on H.R. 3288, by the yeas and nays;

SUSPENDING THE RULES AND AGREE TO THE CONCURRENT RESOLUTION, H. CON. RES. 206, by the yeas and nays;

H. Con. Res. 206, by the yeas and nays;

H. Con. Res. 206, by the yeas and nays;

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

MOTION TO INSTRUCT CONFERREES ON H.R. 3288, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on H.R. 3288 offered by the gentleman from Iowa (Mr. LATHAM) on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The Speaker pro tempore. The motion is on the vote to instruct. There is no vote taken by electronic device, and there were—yeas 212, nays 193, not voting 29, as follows:

Yeas 193: [List of Representatives]

Nays 193: [List of Representatives]

 reporter, roll call 931. I was unavoidably detained. Had I been present, I would have voted "aye."]

Recognize Echo Company of 101st Battalion of the 42nd Infantry

The Speaker pro tempore (Mr. BLUMENAUER). The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 199, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The Speaker pro tempore. The question is on the motion offered by
The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Guam (Ms. Bordallo) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 206, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

Mr. CUMMINGS. Mr. Speaker, on rollcall No. 933, had I been present, I would have voted ‘yea.’

Mr. LARSON of Connecticut. Mr. Speaker, on rollcall No. 932, had I been present, I would have voted “yea.”

COMMENDING THE SOLDIERS AND CIVILIAN PERSONNEL STATIONED AT FORT GORDON

The SPEAKER pro tempore. The unfinished business is the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 206, as amended, on which the yeas and nays were ordered.

The motion to be taken by electronic device, and there were—yea 404, nays 0, not voting 30, as follows:

[Roll No. 933]

YEAS—404

Mr. ROONEY. Mr. Speaker, on rollcall No. 932, had I been present, I would have voted ‘yea.’

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title was amended so as to read: “Concurrent resolution recognizing the 10th Anniversary of the redesignation of Company E, 100th Battalion, 424th Infantry Regiment of the United States Army and the sacrifice of the soldiers of Company E and their families in support of the United States.”

A motion to reconsider was laid on the table.

Stated for:

Mr. ROONEY. Mr. Speaker, on rollcall No. 932, had I been present, I would have voted ‘yea.’

Mr. ACKERMAN. Mr. Speaker, on rollcall No. 931, making appropriations for the Departments of Transportation, HUD, and related agencies for Fy 2011, on rollcall No. 932, recognizing the 10th anniversary of the activation of Echo Company of the 100th Battalion of the 424rd Infantry, and the sacrifice of the soldiers and families in support of the United States, had I been present, I would have voted ‘yea.’

PERSONAL EXPLANATION

The SPEAKER pro tempore. The Unfinished business is the motion to the resolution. The question is on the motion offered by the gentleman from Guam (Ms. Bordallo) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 206, as amended, on which the yeas and nays were ordered.

The vote was taken by electronic device, and there were—yea 404, nays 0, not voting 30, as follows:
ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote), there are 2 minutes remaining in this vote.

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for: Mr. BROUN of Georgia. Mr. Speaker, on rollcall No. 933, commending the soldiers and civilian personnel that the House and their families for their service and dedication to the United States and recognizing the contributions of Fort Gordon to Operation Iraqi Freedom and Operation Enduring Freedom and its role as a pivotal communications training installation, had I been present, I would have voted "yea."

HONORING 73RD ANNIVERSARY OF THE NATIONAL GUARD

The SPEAKER pro tempore. The unanimous voice vote is the motion to suspend the rules and agree to the resolution, H. Res. 940, on which the pending vote.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Guam (Ms. Bordallo) that the House suspend the rules and agree to the resolution, H. Res. 940.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yea 401, nays 0, not voting 33, as follows:

[Roll No. 934]

YEAS—401

Abercornbe (GA)  Broun (GA)  Roe (TN)
Arcuri  Broun (GA)  Ross (FL)
Barrett (NC)  Campbell (GA)  Young (AK)
Berman  Carone (NJ)  Young (FL)
Boucher  Delahunt (MA)  Ross (MA)

Not Voting—30

Abercornbe (GA)  Broun (GA)  Roe (TN)
Arcuri  Broun (GA)  Ross (FL)
Barrett (NC)  Campbell (GA)  Young (AK)
Berman  Carone (NJ)  Young (FL)
Boucher  Delahunt (MA)  Ross (MA)

December 8, 2009
Ms. KAPTUR, Mr. PRICE of North Carolina, Mr. HULTON, Mr. CAPUANO, Mr. BROWN of Georgia, Mr. BERMAN, Mr. BERKELEY, Mr. LIPINSKI, Mr. MILLER of Ohio, Mr. WATSON, Mr. WELCH, Mr. WAXMAN, and Mr. WERNER, for themselves and other Members, offered the following conference report:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following provisions be enacted:

§ 1. ROY RONDENO, SR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2000 Louisiana Avenue in New Orleans, Louisiana, shall be known and designated as the "Roy Rondeno, Sr. Post Office Building".

(b) REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Roy Rondeno, Sr. Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Louisiana (Mr. CAO) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. LYNCH. Mr. Speaker, I stand today in support of H.R. 3951, the Roy Rondeno, Sr. Post Office Building Act. This legislation will designate the building at 2000 Louisiana Avenue in New Orleans, Louisiana, as the "Roy Rondeno, Sr. Post Office Building." Mr. Rondeno's friendship and dedication to his job as a postal worker in Uptown New Orleans were an inspiration to all who knew him.

Mr. Rondeno served the United States Postal Service for 34 years, working as a letter carrier and described himself as a charismatic man who always had a kind word for everyone. According to the St. Charles Messenger, a news outlet covering the area where Mr. Rondeno worked, he was known for his smile, his positive attitude, and his dedication to his job.

When Mr. Rondeno was hit by a car on October 2, 2009, he was on his way home from work. He was taken to a nearby hospital, but later died from injuries sustained in the accident. Mr. Rondeno was a devoted family man, and his tragic death was a loss to his family and the community.

The House of Representatives has recognized Mr. Rondeno's service and legacy through the designation of the Roy Rondeno, Sr. Post Office Building. This designation is a fitting tribute to an exceptional human being who devoted his life to public service.

I urge all of my colleagues to support H.R. 3951, and I look forward to it passing the House and moving to the Senate for consideration.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Louisiana.

Mr. CAO. Mr. Speaker, I rise today in support of H.R. 3951, the Roy Rondeno, Sr. Post Office Building Act. Mr. Rondeno was a dedicated postal employee who worked at the Uptown Station in Uptown New Orleans. His passing was a great loss to his family, community, and the United States Postal Service.

Mr. Rondeno was a veteran of the U.S. Army and served in the United States Postal Service for 34 years. He was known for his kindness, his dedication to his job, and his commitment to his community. His legacy is a testimony to the value of public service.

I am proud to support this legislation and urge my colleagues to join me in recognizing Mr. Rondeno's service and dedication to the community of Uptown New Orleans.

Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The Chair recognizes the gentleman from California.

Mr. BROWN of California. Mr. Speaker, I rise today in support of H.R. 3951, the Roy Rondeno, Sr. Post Office Building Act. Mr. Rondeno was a dedicated postal employee who worked at the Uptown Station in Uptown New Orleans. His passing was a great loss to his family, community, and the United States Postal Service.

Mr. Rondeno was a veteran of the U.S. Army and served in the United States Postal Service for 34 years. He was known for his kindness, his dedication to his job, and his commitment to his community. His legacy is a testimony to the value of public service.

I am proud to support this legislation and urge my colleagues to join me in recognizing Mr. Rondeno's service and dedication to the community of Uptown New Orleans.

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and critically injured him. Six days later, on October 2, 2009, he died from heart failure during surgery, a few weeks short of his plan to retire and spend time with his family and recently founded outreach ministry.

Mr. Rondeno, a native of New Orleans, Louisiana, lived in Metairie and worked at the USPS Uptown Station in New Orleans. He was known as a dedicated, charismatic, and beloved letter carrier. Survivors include his wife Shirley of Metairie; and sons Richard of Rosedale, Los Angeles, and Roy, Jr. of Metairie.

Mr. Rondeno’s accident and subsequent death came as a complete shock to those whom he loyally and lovingly served for and with during the past 57 years. The merchants and community members whom Mr. Rondeno served established a donation fund in his honor and organized a block party to raise funds for his family. Shortly thereafter, the community members and Louisiana postal employees asked that we dedicate this post office in his honor.

According to the Times-Picayune, those whom Mr. Rondeno served said they felt like a “close bond” with Mr. Rondeno. And they described him as a “happy man with a kind word for everyone and a dutiful postman who introduced himself to new residents, never delivered junk mail addressed to previous tenants, and would stand outside in pouring rain to deliver even the smallest package.”

As one constituent, Susan Hereford, expressed to the Times-Picayune regarding Mr. Rondeno’s service to and passion for those whom he served: “To have that constancy with someone who doesn’t just have his head down and drop mail in your box, he connected with everyone on his route. And they connected with him.

To those whom he served, Mr. Rondeno was a great letter carrier, civil servant, New Orleanian, American, veteran, and friend. To those he leaves behind, he was a loyal and loving husband, father, brother, uncle, and friend. I am proud of his service to the postal service, the United States Military, and the citizens of New Orleans, and I am proud to dedicate this post office in his honor.

As another constituent, Mary Nass, said to the Times-Picayune: “The outpouring of grief on the part of hundreds of people following Roy’s death should teach us that we do not need to know others intimately to positively impact their lives. Here was a kind, humble, and conscientious man who made each and every person whose path he crossed feel a little happier, a little more connected to the human race, after his daily passing. No one could have left us a finer legacy.”

Mr. Rondeno was beloved by the community, his colleagues, and his wonderful family. And I think that some other way to honor him than to dedicate the Uptown post office located at 2000 Louisiana Avenue in New Orleans, Louisiana, in his name as a reminder for all who go there of the dedication and passion of this public servant.

I urge all Members to support the passage of H.R. 3951.

Mr. Speaker, I yield back the balance of my time.
world would be a better place with more people like Ann Marie Blute. Mr. Speaker, naming the Shrewsbury Post Office after Mrs. Blute is a permanent reminder of her beautiful life and commitment to service. I hope that it will also encourage others to take up the call of service that Mrs. Blute answered with such passion.

Mr. Speaker, I urge all of my colleagues to vote "yes" on H.R. 4017, and I thank the gentleman from Massachusetts, my colleague, Mr. LYNCH, for yielding back the balance of my time.

Mr. CAO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4017, which designates the United States Postal Facility located at 43 Maple Avenue in Shrewsbury, Massachusetts, as the Ann Marie Blute Post Office.

Ann Marie Blute was born on May 30, 1925 in Boston, Massachusetts. As the eldest of eight, she helped raise her siblings, which would only help prepare her for raising 11 children of her own one day. In 1947, she married Dr. Robert Blute, Sr., an Army doctor, and sailed to Germany where they lived for 2 years. After returning to the States, her husband began practicing medicine in Worcester, Massachusetts, while she raised her family and volunteered tirelessly within the Catholic church.

A parishioner at St. Mary’s Church in Shrewsbury, Mrs. Blute served on many committees as a mother at the school. She taught catechism, worked with the Women’s Guild, and was a Eucharistic minister. In 1994, she received the ultimate honor for all of her service to the Shrewsbury community through the Catholic church with the title of Dame of Malta, one of the oldest Catholic religious orders dedicated to charitable service.

Her generosity extended outside of her family and her neighbors. After her children had left college, Mrs. Blute offered her home and her hospitality to young Vietnamese immigrant, Lucy Hoang, who was searching for a better life. Ms. Hoang, now 44 years old and a chemical engineer, said of her host, “When I first came here, she was standing at the door waiting for me with arms wide open. I felt shaky, but as I came to her, she hugged me.” Ann Marie Blute’s kindness knew no bounds.

Mrs. Blute sadly passed away at the age of 84. She is survived by her husband, Robert, their 11 children, 23 grandchildren, four great-grandchildren, four great great-grandchildren, four siblings, and the countless friends and neighbors for whom Mrs. Blute’s dedication to community service made the ultimate difference. It is my hope that we can pay further tribute to Mrs. Blute’s remarkable legacy through the passage of this legislation to rename the Shrewsbury post office in her honor. I urge my colleagues to join Mr. McGovern, the chief sponsor of this bill, in doing so and supporting H.R. 4017.

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

Mr. CAO. Mr. Speaker, I urge all Members to support the passage of H.R. 4017, and I would like to congratulate Mr. McGovern.

Mr. Speaker, I yield back the balance of my time.

Mr. LYNCH. Again, Mr. Speaker, I urge all Members who are able to do so to support Mr. McGovern in the sponsorship of this measure, H.R. 4017.

Mr. Speaker, yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 4017.

The question was on the motion that the House suspend the rules and pass the bill, H.R. 4017.

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

Mr. LYNCH. 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 pro tempore. Pursuant to clause 8 of rule XX and the
Chair’s prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SPECIAL AGENT SAMUEL HICKS
FAMILIES OF FALLEN HEROES ACT

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2711) to amend title 5, United States Code, to provide for the transportation of the dependents, remains, and effects of certain Federal employees who die while performing official duties or as a result of the performance of official duties, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2711

Be it enacted by the Senate and House of Representa-tives of the United States of America in Congress assembled—

SECTION 1. SHORT TITLE.

This Act may be cited as the “Special Agent Samuel Hicks Families of Fallen Heroes Act.”

SEC. 2. TRANSPORTATION OF DEPENDENTS, REMAINS, AND EFFECTS OF CERTAIN FEDERAL EMPLOYEES.

(a) In GENERAL.—Subchapter II of chapter 57 of title 5, United States Code, is amended by inserting after section 5724c the following:

“(5724d. Transportation of dependents, remains, and effects of certain Federal employees.

“(a) IN GENERAL.—Under regulations prescribed under section 5738 and when the head of the agency concerned (or a designee thereof) authorizes or approves, if a covered employee dies while performing official duties or as a result of the performance of official duties, the agency may pay from Government funds—

“(1) the qualified expenses of the immediate family of the employee, if the place where the employee resided at the time of the employee’s death and

“(2) the expenses of preparing and transporting the remains of the deceased to—

“(A) the place where the employee will reside following the death of the employee;

“(B) the place where the immediate family will reside following the death of the employee; or

“(C) such other place, appropriate for in-terment, as is determined by the agency head (or designee).

“(b) QUALIFIED EXPENSES.—For purposes of this section, the term ‘qualified expenses’, as used with respect to a family changing its place of residence, means the moving ex-penses, transportation expenses, and relocation expenses of the family which are attributable to the change in place of residence.

“(c) DEFINITIONS.—For purposes of this sec-tion—

“(1) the term ‘covered employee’ means—

“(A) a law enforcement officer, as defined by section 8331 or 8401; and

“(B) any employee in or under the Federal Bureau of Investigation who is not described in subparagraph (A);

“(2) the term ‘moving expenses’, as used with respect to a family, includes the expenses of transporting, packing, crating, temporarily storing, draying, and unpacking the household goods and personal effects of such family, not in excess of 18,000 pounds net weight; and

“(3) the term ‘relocation expenses’ has the meaning given such term under regulations prescribed under section 5738, including relo-cation expenses and relocation services de-scribed in sections 5726a and 5724c, respec-tively.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 57 of title 5, United States Code, is amended by striking the item relating to section 5724c the following: “5724d. Transportation of dependents, re-mains, and effects of certain Federal employees.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Louisiana (Mr. CAO) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add any necessary materials.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from the State of Louisiana (Mr. CAO) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. LYNCH. Mr. Speaker, I yield myself such time as he may consume to my friend and colleague from the State of Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, in behalf of the chairman of the Oversight and Government Reform Committee, including Chairman ED TOWNS of the full Committee on Oversight and Government Reform, I rise today to join the gentleman from Massachusetts (Mr. LYNCH) and the original cosponsor of this bill.

This legislation would correct this problem and pay tribute to the memory and service of Special Agent Samuel Hicks by renaming the legislation in his honor. Special Agent Hicks was assigned to the Pittsburgh FBI office and was shot fatally on November 19, 2008 at the age of 28 while executing a Federal search warrant associated with a drug distribution ring. He is survived by his wife and their 2-year-old son.

Special Agent Hicks was a former police officer with the Baltimore police department. He and his family relocated to Pittsburgh when he became an FBI agent. Unfortunately, after the loss of Special Agent Hicks, the Bureau was unable to assist the Hicks family in moving back to Baltimore because of statutory limitations.

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defending the Constitution and the communities of the United States of America.

And what this particular case exemplifies is that there was a glitch in the law, because we ask these Federal law enforcement officers to move and root from their communities. They swear an oath to their country and their Constitution and to uphold the law of the United States. And then we ask their families to move back to, say, Baltimore or New York or small towns anywhere in America and take their families with them to these new places to fight crime wherever they find it. And this pointed out one very, very important glitch is that if an officer, a Federal law enforcement officer was killed in the line of duty in the United States, their families had no means, the Federal Government could not assist them in moving back home, the very brave and caring way they stood up and said they would serve proudly with their loved one wherever that mission would take them.

Many, the FBI, specifically, makes it very well known that you have no right to survive. You will serve at the needs of the FBI. And other agencies serve in the same capacity, and their families suffer the same sacrifice when we ask them to move. This is a small token, just a small token of what we can do for those families who have sacrificed so much and lost their loved one while killed in the line of duty. And it’s named after a very, very brave FBI agent who risked his life. His FBI agent colleagues described him as brave and courageous and the anchor. When they were going through this final resting place in Baltimore, of the deceased to the place where the family will reside following the event.

His FBI agent colleagues described him as brave and courageous and the anchor. When they were going through this final resting place in Baltimore, of the deceased to the place where the family will reside following the event.

Mr. Speaker, this is just one of many examples of how dangerous a job like being an FBI agent can be, but it is one that so many talk on every single day, not wondering whether they will return home to their neighborhoods. His sacrifice is always going to be remembered through his family, colleagues, and hopefully through the passage of this legislation.

On May 2, 2009, Special Agent Hicks’ name was added to the National Law Enforcement Officers Memorial here in Washington, but that is simply not enough. We must honor those who have made the ultimate sacrifice by taking care of their loved ones who have also made tremendous sacrifices.

Again, I commend Congressman Rogers of Michigan and the House Oversight and Government Reform Committee, Mr. Lynch, especially those original cosponsors, of which I’m one, for the leadership with regard to this legislation.

I encourage all the Members to support this legislation.

Mr. CAO. Mr. Speaker, I yield myself as much time as I may consume.

When we passed this bill out of the Oversight Committee on September 9, this bill only applied to FBI officers who died in the performance of official duties. After working with our Democratic colleagues, this bill, as amended, would authorize the employing agency to cover the expenses of preparing and transporting the remains of the deceased to the place where the family will reside following the employee’s death.

This legislation would provide funds for the moving, transportation, and relocation expenses attributed to a change of residence within the United States of the immediate family of an FBI employee who dies in the performance of official duties. It also covers the expenses of preparing and transporting the remains of the deceased to the place where the family will reside following the employee’s death.

Federal law enforcement officers are often asked to relocate to new areas all across the country and the world, and, frequently, these officers bring their
families with them to these new areas. In the case of Federal law enforcement officers who die in the performance of official duties, the family is often left stranded, with no means to return to an area they call home. Caring for the family of those who have died while serving this Nation is a priority for Congress, and the costs of H.R. 2711 are relatively insignificant.

Mr. Speaker, I support this measure and I urge all Members to support the passage of H.R. 2711.

I yield the balance of my time.

Mr. LYNCH. Mr. Speaker, in closing, I want to thank Mr. CAO and Mr. ROGERS, the gentleman from Michigan, as well as the gentleman from Maryland (Mr. CUMMINGS), and one other driving force behind this, our own chairman, Mr. Towns, for supporting this measure. H.R. 2711, as it really provides Federal law enforcement agencies with the necessary authority to support these families in their greatest need of need.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 2711, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECOGNIZING 100TH ANNIVERSARY OF THE GRAND CONCOURSE

Mr. LARSEN of Washington. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 907) recognizing the Grand Concourse on its 100th anniversary as the preeminent thoroughfare in the borough of the Bronx and an important nexus of commerce and culture for the City of New York.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. Res. 907

Whereas the Grand Concourse was designed by engineer Louis Aloys Risse beginning in 1894;
Whereas the Grand Concourse opened in 1909;
Whereas the 4-mile thoroughfare stretches from 138th Street to Van Cortland Park in the Bronx;
Whereas Edgar Allan Poe wrote the poem “Anabel Lee” in his Bronx cottage which now stands on the Grand Concourse;
Whereas Babe Ruth, Stanley Kubrick, Milton Berle, Penny and Garry Marshall, and E.L. Doctorow all at one time made their homes on the Grand Concourse;
Whereas the Grand Concourse hosts such New York landmarks as Yankee Stadium, Loews Paradise Theater, and the Concourse Plaza Hotel;
Whereas the Grand Concourse has the largest collection of Art Deco and Art Moderne buildings in the United States;
Whereas the Grand Concourse is registered as a National Historic Place;
Whereas the Grand Concourse has been designated as a special preservation district by the City of New York;
Whereas the Grand Concourse is known as the Champs Elysées of the Bronx;
Whereas the Grand Concourse is the central northern roadway in the Bronx;
Whereas the Concourse serves the 4, 5, B, and D subway lines as well as several bus routes and is a major transportation route in New York City;
Whereas the $18,000,000 that was provided for the Grand Concourse in January 2006 led to improving the streetscape and creating better access for pedestrians;
Whereas the Bronx Museum of the Arts is celebrating the roadway in its exhibition, “Intersections: The Grand Concourse at 100”;
Whereas the Grand Concourse has seen the arrival of countless new immigrants as well as people arriving from other parts of the country, including Puerto Rico, and has been their launching point for the valuable contributions that they have made;
Whereas the Bronx and Loew’s Paradise Theater, which was constructed in 1929 and was at one time the largest movie theater in New York City. The old Yankee Stadium opened near the Grand Concourse at 161st Street in 1923 and has served as an important centerpiece for the Bronx and the city of New York ever since.

In the course of over 100 years, the Grand Concourse has played a long-standing role in defining the Bronx community, serving as the central north-south artery of the borough. Covering over 4 miles in length, it is lined with parks, fountains, and other pedestrian-friendly community assets that add aesthetic, cultural, and transportation value to the borough.

Recently, $18 million was invested in the infrastructure of the Grand Concourse to make it more pedestrian friendly and restore the roadway’s beauty that has made it vital to the cultural and economic development of the Bronx for 100 years.

So, Mr. Speaker, in honor of this historic landmark and its contributions to both the City of New York and the borough of the Bronx over the past century, I urge my colleagues to join me in supporting House Resolution 907.

I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the ranking minority member on the Highways and Transit Subcommittee, I have been asked to speak on this resolution, and I rise in support of House Resolution 907, a resolution—as the gentleman from Washington State just described—a resolution recognizing the Grand Concourse on its 100th anniversary as the preeminent thoroughfare in the borough of the Bronx and an important nexus of commerce and culture in the city of New York.

The Grand Concourse is a rare blend of history, culture, and infrastructure that has accommodated the likes of Babe Ruth, Stanley Kubrick, and Edgar Allan Poe. The Grand Concourse also plays host to the iconic Yankee Stadium, Loew’s Paradise Theater, and the Concourse Plaza Hotel. Few roads in our nation’s history have reflected the personality of the local culture better than the Grand Concourse has done for the Bronx.
Mr. Speaker, I urge all of my colleagues to support this very timely and appropriate resolution. I reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, I would now like to recognize for a few words he may choose to give the gentleman from New York (Mr. SERRANO), the sponsor of the resolution.

Mr. SERRANO. I thank the gentleman for the time, and I thank him and the ranking member for the support.

Too often we take for granted those places where we live in terms of the landmarks that are around us, and this is a celebration of a roadway that—it was stated before—it was set up or thought of originally to link the borough of Manhattan to the Bronx, but it became much more than that. It became a cultural icon. It became part of a community. And as the city grew and up to today, in its 100th anniversary, it has become grander year by year.

We are now celebrating 100 years of the Grand Concourse, and this, as said, was designed by a French immigrant in 1894, and when it opened in 1909, it was something spectacular that had not been seen before. Those of you who have come on many occasions, I’m sure—and hopefully in the future—to visit the Bronx and to visit Yankee Stadium will know that the Grand Concourse, that 4-mile thoroughfare that stretches from 138th Street to Van Cortlandt Park in my borough, the Bronx, is really majestic in form and so full of history.

The Grand Concourse has the largest collection of Art Deco buildings in the United States, and those Art Deco buildings are those that you walk into and the lobby is so special with the artwork and the murals that were painted, especially during World War II and in the late 1930s. Those buildings are now part of the National Registry.

In accordance, the Grand Concourse itself has been designated and registered as a National Historic Place and has also been designated as a special preservation district by the city of New York.

And as was mentioned before, if you go to the Grand Concourse you will see the cottage known as Poe Cottage where Edgar Allan Poe wrote the poem “Annabel Lee,” and that is still standing there.

Many folks, as we mentioned today, have lived on the Grand Concourse. Of course I live on the Grand Concourse, and I certainly did not have the kind of year that Babe Ruth had in 1927, but I’ve had a pretty good year in this past year.

This Congress saw fit a couple years ago to designate $18 million that was used to renovate parts of the Grand Concourse and its infrastructure. That was in January of 2006. And now as part of that celebration, the Bronx Museum of the Arts is celebrating the roadway in its exhibition “Intersections: The Grand Concourse at 100.”

What’s interesting about the Grand Concourse, I believe, is that it mirrors so much of what New York City is and what this country is. Because as you travel the Concourse not only physically but through its history, you see the different groups of people who have come to New York. As the newspaper of the Bronx, who settled on the Concourse, as we called it, and became part of America.

And so as we see people enjoying the park and enjoying and socializing on the boulevard, the different groups that have arrived from throughout the world and from my birthplace of Puerto Rico.

The Grand Concourse has, for them, fulfilled and exceeded its planners’ intentions over a series of generations—occupying a central place in the hearts and minds of Bronxites past and present.

So I have come here today in support of this resolution. I would hope every member of this committee, the chairman, and the ranking member for their support.

Mr. OBERTSTAR. Mr. Speaker, I rise today in support of H. Res. 907, recognizing the Grand Concourse on its 100th anniversary as the principal thoroughfare in the borough of the Bronx, which serves as an important nexus of commerce and culture for the City of New York. I commend the gentleman from New York (Mr. SERRANO) for his work on this Resolution. Designed by Louis Ayres Rissell and opened to the public in 1933, this beautiful, tree-lined thoroughfare was first conceived of in 1890 as a means of connecting the borough of Manhattan to the northern Bronx.

The original cost of the project was $14 million, the equivalent of $340 million today. Over the past 100 years, this investment has leveraged significant private and public economic development activity in the Bronx, and has served as the backbone to many historic New York City landmarks. Among these landmarks is the Loews Paradise Theater—at one time the largest movie theater in New York City—which was constructed in 1929 along the Grand Concourse. In 1923, the old Yankee Stadium opened near the Grand Concourse at 161st Street and has remained an important landmark in the surrounding Bronx community ever since.

Over the course of its 100 years, the Grand Concourse has played a longstanding role in defining the Bronx community, serving as the central north-south artery of the borough. For over 4 miles, the Grand Concourse is lined by several parks, fountains, and other pedestrian-friendly community treasures. The apartment buildings along the Grand Concourse have been home to the likes of Babe Ruth, Stanley Kubrick, Milton Berle and other famous New Yorkers over the years.

Reflecting much of the tumultuous history of the Bronx itself, the Grand Concourse is preparing for the rebirth and restoration of key social, economic and environmental infrastructure. Recently, $18 million was committed to upgrading the Grand Concourse to make it a priority so we see to restore the roadway’s beauty that has made it vital to the cultural and economic development of the Bronx for 100 years.

Mr. Speaker, it is for these great contributions to the City of New York and to the Borough of the Bronx over the past 100 years that I urge my colleagues to join me in supporting H. Res. 907.

Mr. ENGEL. Mr. Speaker, I rise today to recognize the 100th anniversary of the Grand Concourse. As a resident of the Bronx, I am pleased to co-sponsor H. Res. 907 recognizing the Grand Concourse as one of the most important and historic commerce and cultural centers of New York City.

The Grand Concourse is both the backbone and the heart of the Bronx. Every day, thousands of Bronxites travel up and down the concourse, connecting our borough from the north and south of the borough. It unifies the Bronx and enables people to interact and frequent the scores of businesses and cultural landmarks which run up and down the highway.

I grew up only four blocks from the Grand Concourse, and I have very fond memories of those days and the time spent along the thoroughfare. So much of my life, and the lives of my constituents, are tied to the Grand Concourse and I would not trade one moment of it for anything. As a child I watched films at the Loews Theater, I’ve attended numerous games at Yankee Stadium, and driven north along the Grand Concourse to visit Van Cortlandt Park.

I look forward to the start of the next 100 years in the life of the Grand Concourse, and Mr. Speaker, I encourage my colleagues to come to the Bronx and do the same.

Mr. DUNCAN. Mr. Speaker, I urge support of this resolution, and I yield back the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, we have no further speakers, and as a result, I yield back the balance of our time.

The SPEAKER pro tempore. The question was taken.

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

Mr. LARSEN of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, further proceedings on this motion will be postponed.

EXTENSION OF AUTHORITY TO EXPEDITE THE PROCESSING OF PERMITS

Mr. LARSEN of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4165) to extend through December 31, 2010, the authority of the Secretary of the Army to accept and expend funds contributed by the general public to expedite the processing of permits.

The Clerk read the title of the bill. The text of the bill is as follows:

December 8, 2009
in the country with the second-highest commerce and trade demands of any region in the country, section 214 has become key to overcoming permitting delays and other challenges. The authority granted by section 214 by the WRA of 2000 allows the Army Corps of Engineers to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits through the Army Corps of Engineers. By funding additional staff to work on permanent authorization, existing Corps districts are able to process significant backlogs more quickly. Hiring additional staff results in a reduction of permit waiting times not only for the local funding entity, but also for any individual or organization that makes an application with the Corps district.

In my district, the Harris County Flood Control District has used section 214 for the past 6 months to move forward with vital infrastructure and maintenance projects that have minimal environmental impact. According to a letter they sent my office, Harris County Flood Control District has “already noticed a significant improvement in the length of time it is taking to receive our reviews and permits that are required to proceed to construction of our projects.”

In the past 9 years, section 214 has been extended five times. Two of these extensions were for less than 1 year. This program has been hamstrung by short-term extensions that discourage both Corps districts and local public entities from participating. And today, we again add to the uncertainty of this program by extending it for 1 additional year with no guarantee of continuing it past that.

I sponsored legislation that would make section 214 authority permanent and ensure non-Federal project sponsors have the ability to move forward with vital water resources infrastructure projects and maintenance more efficiently year after year. My bill is ready for consideration; but, instead, we are considering another short-term extension.

I will reluctantly support this 1-year extension but hope that as we move forward with the debate on the Water Resources Development Act that we can have a serious conversation about making this provision permanent. Non-Federal project sponsors need to be able to count on the longevity of section 214 in order to make the most out of it.

Mr. LARSEN of Washington. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, in response to the gentleman from Texas, I do want to say I’m extremely sympathetic to his position, and I fully, in fact, agree with the request that we make section 214 permanent. And I, along with many others, have asked for that consideration within the context of the reauthorization of the Water Resources Development Act of 2010. I am hopeful we can
work in a bipartisan approach to work with the committee’s leadership to make Mr. OLSON’s, as well as many others who made the same request, to make that request a reality.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, again, I do support H.R. 4165 and urge my fellow Members to vote for the bill. I appreciate Mr. LARSEN. I know that he has worked hard on this in trying to bring the issue forward and provide a permanent fix.

My hope is that in the reauthorization of WRDA that we can all, as was mentioned, work in a very bipartisan way, because this is an entity that has worked very, very well. And I think all of us agree that it really is a success story. So hopefully we can work together, he and Mr. OLSON and our leadership on the committee, so that we can provide for a permanent fix of the program, a permanent authorization, and not have to go through this every year.

Mr. OBERSTAR. Mr. Speaker, I am pleased to support this bill to extend authority of the Secretary of the Army to accept funds from non-Federal public entities for the consideration of permits under the Clean Water Act and the Rivers and Harbor Act of 1899.

This language is modeled after language included in the Water Resources Development Act of 2007 that included a short-term extension of the U.S. Army Corps of Engineers, corps, section 214 permit review authority. That authority expires at the end of the current calendar year, and this legislation will continue the program through the end of December 2010.

I have been carefully monitoring the implementation of this authority. While this authority is very popular for the local public entities that have used it, we need to ensure that this authority does not affect the objectivity of the regulator.

In May 2007, the Government Accountability Office, GAO, issued a report, upon my request, which expressed concern with the overuse of this authority. As a track record of implementation develops, the Committee on Transportation and Infrastructure asks us to cut authorized levels of funding for their congressional districts. This bill is an act of good governance and truth-in-budgeting.

I want to thank Representative LEWIS for his leadership on this issue and urge all Members to vote in favor of H.R. 1854.

Mr. LEWIS of California. Madam Speaker, I rise in support of H.R. 1854. This bill will revise a previously authorized project to allow the community of Big Bear Lake, California, to move forward with the Army Corps of Engineers to begin replacement of an aging water infrastructure. The bill reduces the authorized amount of the project by $3 million.

The city of Big Bear Lake currently distributes water through pipes that are over 70 years old and crumbling by the minute. This lack of integrity from the water infrastructure has led to declining water quality, massive water loss, and dangerously low flow levels that do not meet firefighting standards.

California is in the midst of a water crisis, and San Bernardino County has been granted Federal disaster status due to extreme drought conditions. In a misguided effort to protect fish, the Federal Government has shut off pumps for the California Aqueduct, further reducing water supplies for southern California communities. Under these severe conditions, we cannot afford to lose any opportunity to conserve what water we have. This bill will provide immediate and measurable conservation.

Equally dire, Big Bear is located within the San Bernardino National Forest. Because of lack of consistent management in the past, the San Bernardino National Forest has become a powder keg for wildfire. We have made some progress at reducing the threat through aggressive hazardous fuels removal, but the danger remains extreme. Replacing the water infrastructure will help the Big Bear community and provide the U.S. Forest Service with another vital weapon in the event of catastrophic wildfire.
The SPEAKER pro tempore (Mr. LARSEN of Washington). Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the consideration of the bill.

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

There was no objection.

Mr. BRADY of Pennsylvania. Mr. Speaker, H.R. 3224 would authorize $4 million in fiscal year 2010 for the Smithsonian Institution to plan, design and construct a vehicle maintenance building at its facilities in Suitland, Maryland. Our committee ordered the bill reported unanimously.

The new facility would absorb the vehicle maintenance functions for the entire Smithsonian complex in the Washington area. These are currently performed in a constricted and increasingly dysfunctional space at the General Services Building within the National Zoo in northwest Washington, D.C.

The vehicle maintenance functions, which cover the maintenance, repair and fueling of over 780 Smithsonian-owned vehicles and pieces of equipment, are not compatible with the surrounding environment at the zoo and would be better served at the Suitland facility, which has more space and is isolated from public access. The space being vacated at the zoo would be converted to other uses.

The bill authorizes the planning, design and construction of this project, which would give the Committee on Transportation and Infrastructure, which has an additional referral, also reported this bill. The fiscal year 2010 Interior appropriations conference report, which has been enacted into law, contains the necessary funding for this bill, and I urge the approval of the legislation.

I reserve the balance of my time.

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

Mr. Speaker, I rise in support of this bill, which will provide for the construction of a vehicle maintenance branch at the National Zoo to benefit the zoo and the larger Smithsonian Institution operations. The course of action prescribed by this bill is the result of a careful analysis of alternatives, which has demonstrated that the onsite construction of a vehicle maintenance facility would prove to be approximately 40 percent cheaper than developing an off-site facility. Additionally, this bill will provide for the better environmental stewardship in the operations of the National Zoo and of the Smithsonian Institution.

I want to thank Mr. BECERRA for bringing this forward. Accordingly, I request that my colleagues on this side of the aisle support this suspension.

Mr. Speaker, I would like to thank Mr. LUNGE for his cooperation on this and for hurrying over just a second or two late.

Mr. BRADY of Pennsylvania. I would like to thank Mr. LUNGE, too, for his cooperation on this and for hurrying over just a second or two late.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 3224, a bill to authorize the Board of Regents of the Smithsonian Institution to plan, design and construct a vehicle maintenance facility at the vehicle maintenance branch of the Smithsonian Institution located in Suitland, Maryland.

Currently the bulk of the Smithsonian’s vehicle maintenance is conducted from the National Zoo’s General Services Building. The Vehicle Maintenance Branch is responsible for maintenance, repair, and fueling of more than 780 Smithsonian vehicles and pieces of equipment valued at over $17 million. However, the vehicle maintenance operations over the years have become incompatible with the needs of the General Services Building. After researching the potential of leasing a facility, the Smithsonian Institution determined the most economical method of housing its fleet management and maintenance operations was to request authority to build a facility on government-owned property located in Suitland, Maryland.

Transferring the vehicle maintenance operations to a new site will increase the ability of the Smithsonian to use alternative fuels in its vehicles. The proposed site at Suitland currently has both a compressed natural gas fueling station and a gasoline fueling station. Furthermore, the Smithsonian plans to install E-85 and bio-diesel above-ground fuel tanks at the facility. The Zoo’s General Services Building does not have the space available to accommodate these alternative fuel tanks.

I urge my colleagues to join me in supporting H.R. 3224.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question was taken; and (two-thirds being in the affirmative) the rules and pass the bill, H.R. 3224.
Whereas as many as 3,000,000 Americans suffer from type 1 diabetes, a chronic, genetically determined, debilitating disease affecting every organ system;

Whereas more than 15,000 children each year are diagnosed with type 1 diabetes, a disease caused by an autoimmune attack that destroys the insulin-producing beta cells of the pancreas;

Whereas diabetes is one of the most costly chronic diseases, costing the United States economy about $74,000,000,000 and costing individuals with diabetes an average of $13,000 in annual health care costs, compared to $2,600 for individuals without diabetes;

Whereas diabetes treatments but does not cure this potentially deadly disease and does not prevent the complications of diabetes, which include blindness, heart attack, kidney failure, stroke, nerve damage, and amputations;

Whereas the National Institutes of Health has established 6 goal areas to guide type 1 diabetes research focused on the reduction, prevention, and cure of type 1 diabetes and its complications;

Whereas Federal funding has enabled research focused on determining the underlying environmental causes of diabetes and testing of promising new treatments to halt and reverse the autoimmune attack causing type 1 diabetes;

Whereas four years of type 1 diabetes will require restoring beta cell function either by replacement with transplantation or by beta cell regeneration;

Whereas the development of a “closed-loop” artificial pancreas would greatly alleviate the daily burden of disease management for type 1 diabetes patients by continuously monitoring blood sugar levels, infusing insulin as necessary when blood glucose levels become too high, and warning patients when blood glucose levels become dangerously low;

Whereas continued progress toward a cure for type 1 diabetes depends on training the next generation of diabetes researchers;

Whereas a strong public-private partnership to fund type 1 diabetes exists between the Federal Government and the Juvenile Diabetes Research Foundation International, a foundation awarded more than $1,000,000,000 for diabetes research since its founding and in fiscal year 2008 provided more than $156,000,000 for diabetes research in 20 countries;

Whereas Congress has provided $150,000,000 annually through fiscal year 2011 for the Special Statutory Funding Program for type 1 Diabetes research;

Whereas the National Institutes of Health devoted a total of $433,000,000 in fiscal year 2009 for type 1 diabetes research; and

Whereas leading type 1 diabetes researchers have recommended a total funding level of $4,100,000,000 for fiscal years 2009 through 2013 in order to meet the National Institutes of Health’s 5’s type 1 research goals: Now, therefore, be it

Resolved, That Federal funding for diabetes research must be increased to meet the National Institutes of Health’s goals so that a cure for type 1 diabetes can be found.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mrs. CAPPS) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentleman from California, Mrs. CAPPS.

Mrs. CAPPS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mr. Speaker, I rise today in support of House Resolution 35, expressing the sense of the House that Congress should provide increased Federal research funding for type 1 diabetes. Diabetes is one of the most prevalent and costly chronic conditions in the United States today.

According to the Centers for Disease Control and Prevention, nearly 24 million Americans—that’s roughly 8 percent of the United States population—have diabetes. Direct and indirect costs of diabetes totaled $174 billion in 2007, $120 billion of which were direct medical costs attributable to diabetes.

There have been advances in type 1 diabetes, which results when the body’s immune system destroys insulin-producing cells in the pancreas that regulate blood glucose levels. Individuals with type 1 diabetes depend on insulin, but even with adherence to insulin treatment, individuals with type 1 diabetes are still very vulnerable to the many complications that this disease offers, which are blindness, kidney failure, and amputation.

As a school nurse, I became intimately aware of the challenges faced by children with type 1 diabetes and of the impact it has on their families and on their classmates as well. During the years I cared for those students, we discussed the potential for a cure by now. Unfortunately, we still have a ways to go.

The Federal funding of diabetes research has resulted in tremendous advancements for our understanding and treatment of the disease. We have successfully studied underlying genetic and environmental causes of diabetes, and we are testing and promising new treatments, but there is still much more work to be done.

The National Institutes of Health devoted $335 million in fiscal year 2009 for type 1 diabetes research. This resolution calls for a doubling of annual NIH funding to meet leading researchers’ estimates of the funding needed to accomplish NIH’s six goals related to type 1 diabetes.

Mr. Speaker, I am pleased to join my colleagues in calling for the passage of this resolution and of increased research funding to find a cure for type 1 diabetes. I want to thank my colleague on the Energy and Commerce Committee, Congressman GENE GREEN, for his leadership on this important issue.

I reserve the balance of my time.

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

Mr. Speaker, as a member of the Diabetes Caucus and throughout most of the 1990s, I was a member of our regional diabetes board for the ADA. In fact, I call myself a perpetual vice chairman of our region. So it is with great pride that I am here in support and that I encourage my colleagues to support H. Res. 35.

I want to recognize the 23.6 million Americans who suffer from diabetes. Diabetes can lead to serious complications and premature death, but people with diabetes can take steps to control the disease and to lower their risks of complications.

The Centers for Disease Control has stated that the progression of diabetes among those with prediabetes is not inevitable, and studies have shown that people with prediabetes who lose weight and who increase their physical activity can prevent or delay diabetes and can return their blood pressure to near normal. Through regular exercise and a steady diet, Americans can return to a healthier state of living and can avoid diabetes.

Type 1 diabetes affects individuals in different ways, it is important that we educate our communities about the causes and about effective ways to avoid diabetes through living a healthy lifestyle. Additionally, we must continue to research the causes, treatment, education, and eventual cure for diabetes through public and private partnerships.

I do believe that the 1,000-page health reform bill, which was pushed through the House of Representatives by the other side of the aisle to establish a government takeover of health care, will negatively impact those with diabetes and will severely curtail our ability to find a cure. It is a massive government takeover of our health care system and how the creation of scores of new bureaucracies will revitalize our economy or will give Americans better care.

Instead, the House Tri-Committee bill would ration health care like it is done in the U.K. and Canada. This rationing of health care will not be better for the patients. It will lead to many diabetics in need of dialysis and care who will be turned away or who will have longer wait times when they need access to physicians.

In addition to nearly a $1 trillion health reform bill which was pushed on the American public, the recent stimulus legislation provided an extra $10 billion of funding to the NIH for the advancement of scientific research. Unfortunately, long-held processes on the length and structure of trials have been ignored in order to spend the funds as quickly as possible and in as many Congressional districts as possible.

Instead of rushing to spend billions of dollars for a political photo op, it would be far more responsible, both scientifically and fiscally, to continue to have the NIH determine what trials’ processes deserve the most merit. If we hadn’t rushed to spend in the name of “stimulus,” I believe that some of the $10 billion could have been used for research into type 1 diabetes.

I want to see Americans recognizing the significance of monitoring their...
own and members of their families’ health in getting the proper and timely treatment for diabetes. I would also like to see, through public-private partnerships, a continued commitment to diabetes research so that, one day, we may have a cure.

I would like to thank the sponsor of this bill, Representative GENE GREEN from Texas, for his work on this resolution. I stand, once again, in support of this legislation, and I hope my colleagues will join me.

Representative GENE GREEN of Texas, for his work on this resolution. Once again, I rise in support of this legislation, and I hope my colleagues will join me.

Mr. Speaker, I wish to thank the vice Chair of the Energy and Commerce Committee, Congresswoman CAPPS; and my colleague from Texas, GENE GREEN. I also want to thank all of my cosponsors, including both of my colleagues—the vice Chair of the Energy and Commerce Committee, Congresswoman CAPPS; and also Congressman TERRY from Nebraska, who is also, like I said, a cosponsor of the resolution. Hopefully, our national health care plan will actually help those who have either type 1 diabetes or type 2 diabetes to make sure they can go see physicians when they need to.

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

Mr. Speaker, as I mentioned, from my activities in the Diabetes Caucus, I have learned that, as I stated in the main statement, that education, nutrition, and exercise leads to prevention of much of type 1 and type 2. Today is the sixth anniversary of the Medicare and Medicaid Reform Act that was passed in 2003 on a nearly partisan vote. It was then that we recognized that the American Diabetes Association had authored that bill, supported that bill and that actually this is the first time that Medicare would pay for education, nutrition counseling.

I thought it was very odd that under Medicare for a diabetic, that Medicare would pay for an amputation or kidney dialysis, but it wouldn’t pay $150 to prevent those from happening by way of education, diabetic education classes, which included nutrition and exercise and such. We have come a long way in recognizing prevention.

Certainly we don’t need the government, through its history of not wanting to cover preventive care—I think we could do a better job within the private side or free enterprise side. We don’t need government running health care to make sure that people that are in need of diabetes education, nutrition, a dietician, exercise, counseling, could receive that.

I again want to thank GENE GREEN for bringing this much-needed resolution. Once again, I rise in support of this resolution.
for the designation of a National Prader-Willi Syndrome Awareness Month to raise awareness of and promote research into this challenging disorder.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 55

Whereas Prader-Willi syndrome is a complex genetic disorder that occurs in approximately 1 out of every 15,000 births, and is the most commonly known genetic cause of life-threatening obesity;

Whereas Prader-Willi syndrome affects males and females with equal frequency and affects all races and ethnicities;

Whereas Prader-Willi syndrome causes an extreme and insatiable appetite, often resulting in morbid obesity, which is the major cause of death for individuals with the syndrome;

Whereas Prader-Willi syndrome also causes cognitive and learning disabilities, and behavioral difficulties, such as obsessive-compulsive disorder and difficulty controlling emotions;

Whereas the hunger, metabolic, and behavioral characteristics of Prader-Willi syndrome force affected individuals to require constant adult and lifetime supervision in a controlled environment;

Whereas studies have shown that there is a high morbidity and mortality rate for individuals with Prader-Willi syndrome;

Whereas there is no known cure for Prader-Willi syndrome;

Whereas early diagnosis of Prader-Willi syndrome allows families to access treatment, intervention services, and support from health professionals, advocacy organizations, and other families who are dealing with the syndrome;

Whereas recently discovered treatments, such as human growth hormone, are improving the quality of life for individuals with the syndrome and offer new hope to families, but many difficult symptoms associated with Prader-Willi syndrome remain untreated;

Whereas increased research into Prader-Willi syndrome can lead to a better understanding of the disorder, more effective treatments, and an eventual cure for Prader-Willi syndrome;

Whereas increased research into Prader-Willi syndrome is likely to improve our understanding of common public health concerns, including childhood obesity and mental health; and

Whereas advocacy organizations have designated May as Prader-Willi Syndrome Awareness Month; Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports raising awareness and educating the public about Prader-Willi syndrome;

(2) applauds the efforts of advocates and organizations that encourage awareness, promote research, and provide education, support, and hope to those impacted by Prader-Willi syndrome;

(3) recognizes the commitment of parents, families, researchers, health professionals, and others dedicated to finding an effective treatment and eventual cure for Prader-Willi syndrome;

(4) supports increased funding for research into the causes, treatment, and cure for Prader-Willi syndrome; and

(5) expresses support for the designation of a National Prader-Willi Syndrome Awareness Month.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mrs. CAPPS) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

Mrs. CAPPS. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. CAPPS. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I rise today in support of House Resolution 55. This resolution supports raising awareness and educating the public about Prader-Willi syndrome and expresses the support for designating National Prader-Willi Syndrome Awareness Month.

Prader-Willi syndrome is a genetic disorder that occurs in approximately 1 in every 15,000 births. Individuals with this syndrome have lower metabolic rates and lack normal hunger and satiety cues. The combination of these factors results in morbid obesity and associated complications if gone untreated.

Individuals with Prader-Willi syndrome are also affected by nonobesity-related conditions such as cognitive and learning disabilities and some behavioral difficulties. The link between Prader-Willi syndrome and obesity is one that cannot be ignored. Obesity is one of the fastest-growing public health challenges in the United States.

The Centers for Disease Control and Prevention estimates that 16 percent of American children and one-third of American adults are obese. That’s an astounding fact.

A recently released report supported by the United Health Foundation, the American Heart Association, and the Partnership for Prevention concluded that, if current trends continue, over 100 million American adults will be obese by 2018. This would translate to over $300 billion of health care costs attributable to obesity if the rates continue to increase at current trends.

As my colleagues are aware, obesity is a complex health issue. Behavioral, environmental, and genetic factors also contribute to their health. Most often we talk about eating a healthy diet and exercising. In recent months, I am proud of how we have prioritized investments in community-level prevention and wellness activities.

Interventions in schools, workplaces, and other settings are essential to reinforce and facilitate individual efforts to maintain a healthy weight. The resolution we are considering today presents us with an opportunity to focus on how genes affect obesity.

I urge my colleagues in drawing attention to the Prader-Willi syndrome. I urge passage this resolution.

I want to thank my colleagues from California, Congressman ROYCE and Congresswoman HARMAN, for their leadership on this issue.

I reserve the balance of my time.

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

Mr. Speaker, I rise in support of House Resolution 55 and encourage the designation of National Prader-Willi Syndrome Awareness Month.

Prader-Willi syndrome is a complex genetic disorder that can cause life-threatening symptoms such as an extreme and insatiable appetite. Often resulting in morbid obesity, Prader-Willi syndrome occurs in males and females equally and in all races. Estimates of the prevalence of Prader-Willi syndrome vary, with the most likely figure being 1 out of every 15,000 children.

Children with PWS have sweet and loving personalities, but they are also characterized by widespread issues and motor development delays, along with some behavior problems and unique medical issues. PWS typically causes low muscle tone, short stature if not treated with growth hormone, incomplete sexual development, and a feeling of hunger coupled with a metabolism that utilizes drastically fewer calories than normal, can lead to excessive eating and life-threatening obesity. The food compulsion requires constant supervision on the part of the families as many are not able to regulate their feeding behaviors.

It is the commitment of researchers and health professionals that has led to effective treatments and, hopefully, an eventual cure for the families afflicted by this disorder.

I would like to thank Representative ROYCE from California for his commitment to raising awareness about Prader-Willi syndrome. I encourage all my colleagues to vote for this resolution.

At this time, I yield to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. I thank the gentleman foryielding.

Mr. Speaker, I rise in support of House Resolution 55, authored by myself and my colleague from the State of California, Congresswoman JANE HARMAN.

This resolution calls for the establishment of a National Prader-Willi Syndrome Awareness Month, and it encourages continued Federal research of this syndrome. Now, this syndrome is recognized as a common genetic cause of childhood obesity, and for too many children it is an affliction which causes them even to be able to reach their teens. Many of them don’t reach their 20th birthday as a result of this malady.

Mr. Speaker, 7½ years ago I was in the position of Members of this House and my American in that I had never heard of Prader-Willi syndrome. Then a little girl named Abby Porter was born. I can still remember...
that day and the phone call that came telling me that Abby had arrived but that something was wrong. Abby was sleeping almost 24 hours a day, was unable to eat on her own, and had almost no muscle tone at all.

This extreme persistence and strong will of Abby’s parents, she was sent to Children’s Hospital in Denver where she underwent extensive testing. At 2 weeks of age we all learned that Abby had a genetic disorder called Prader-Willi syndrome.

Many of you are now asking what I asked on that day of the phone call. What is Prader-Willi syndrome? In short, it is a complex condition characterized by morbid obesity, by intractable appetite, by poor muscle tone and failure to thrive during infancy, among many other maladies. Twenty years ago a child with Prader-Willi syndrome was likely to die of morbid obesity before they reached adulthood. Most of these children were either never diagnosed or diagnosed later in life when treatment was far less effective.

Abby Porter is actually one of the lucky ones, as she received a very early diagnosis. As a result of this early diagnosis she was able to begin human growth hormone treatments at the age of 3 months. A relatively new treatment for Prader-Willi at the time of her birth, growth hormone enabled Abby to begin building the muscle tone she needed to eat, to hold up her head, to sit and crawl, and finally to walk. As a result she was able to reach all of her developmental milestones at roughly the appropriate times. She was also able to develop cognitively at a more normal rate than she would have without this treatment.

Abby and I want every child with Prader-Willi syndrome to have this same opportunity. We want to increase awareness of this genetic disorder among health care providers and pediatricians and teachers and communities. We want children to get diagnosed early so that they can begin immediate treatment.

We want parents to be able to find out the information that they need to make decisions about the treatment and development of their children. We want teachers to understand the cognitive and emotional struggles that come with Prader-Willi and that must be dealt with in order for these children to succeed.

We want neighbors and community members to learn about this syndrome so that they will understand the actions and behavior of some of the children with Prader-Willi; thus, they will not reject them outright and will instead teach their own children about the acceptance of differences.

Abby and I want these families with Prader-Willi children to know that the families are not alone in this fight to search for cures and treatments that will improve the future of their children.

For that reason, we are both proud today to see this House call for a National Prader-Willi Syndrome Awareness Month and to express support for further research in this disorder.

I want to again thank my colleague, Congresswoman JANE HARMAN from California, for her support and efforts on behalf of this resolution. I urge all my colleagues to pass this bill.

Mrs. CAPPS. I am pleased now to yield whatever time she may consume to my colleague and friend from California, JANE HARMAN.

Ms. HARMAN. Let me first commend Mrs. CAPPS, who, as a registered nurse, has brought so much understanding and depth to our ongoing negotiations on health care in the Energy and Commerce Committee.

Second, let me commend a good friend and frequent partner, Mr. Royce, whose focus on this issue and personal compassion on behalf of his friend, Abby, and enormously caring staff, have brought this issue to my attention.

It resonates in my California congressional district, where there is an incredible community of activists who are committed to increasing awareness and supporting research on Prader-Willi syndrome. Two of those activists, Tom Compere and his parents, are passionate advocates of a child with PWS. They have brought other Prader-Willi families together with groups of students, teachers, and other members of the community to spread awareness and raise funds to combat this devastating disease.

Tom Compere says, “The thing that has kept us going over the years has been the optimism that a cure for PWS will be found and that our son will have a normal life. What a concept. A normal life was something, until recently, that I took for granted.”

That’s the goal of this resolution. By increasing awareness and promoting research at the national level, we can give the Compere family and thousands of families like them a chance to lead a normal life.

Two years ago, Mr. Speaker, I attended the annual walkathon for Prader-Willi research in Mar Vista, a wonderful community in my district. The warmth and excitement of the children I met there was touching, especially in the face of the challenges they face on a daily basis.

Prader-Willi patients suffer, as you have heard, disabilities, poor muscle tone, and constant feelings of hunger. They often look different from other children, which makes it difficult to fit in or be accepted as a normal kid. Some cutting-edge treatments, like the ones Abby received, can improve the physical development of children with Prader-Willi so they can fit in, but this is contingent on early diagnosis and treatment, and that often doesn’t happen.

By passing H. Res. 55 and raising the profile of this issue, this House can give these children better odds at doing something most of us take for granted: Living a normal life.

I urge passage of the resolution and again commend my friends from California for their role.

Mr. TERRY. We have no further speakers and, therefore, encourage the passage of this resolution.

I yield back the balance of my time.

Mrs. CAPPS. I wish to commend the personal commitment of our colleagues from California, Congressman ROYCE and Congresswoman JANE HARMAN, and I urge support for this resolution.

I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. CAPPS) that the House suspend the rules and agree to the resolution, H. Res. 55.

The question was taken.

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

Mrs. CAPPS. 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 pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

DATA ACCOUNTABILITY AND TRUST ACT

Mr. RUSH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2221) to protect consumers by requiring reasonable security policies and procedures to protect computerized data containing personal information, and to provide for nationwide notice in the event of a security breach, as amended.

I urge support for this resolution.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2221

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 “Data Accountability and Trust Act”.

SEC. 2. REQUIREMENTS FOR INFORMATION SECURITY.

(a) GENERAL SECURITY POLICIES AND PROCEDURES.—

(A) the size of, and the nature, scope, and complexity of the activities engaged in by, such person;

(B) the current state of the art in administrative, technical, and physical safeguards for protecting such information; and
(C) the cost of implementing such safeguards.

(2) REQUIREMENTS.—Such regulations shall require the policies and procedures to include—

(A) a security policy with respect to the collection, use, sale, other dissemination, and maintenance of such personal information;

(B) the identification of an officer or other individual as the point of contact with responsibility for the management of information security;

(C) a process for identifying and assessing any reasonably foreseeable vulnerabilities in the system or systems maintained by such person and the safeguards that shall include regular monitoring for a breach of security of such system or systems;

(D) a process for taking preventive and corrective action to mitigate against any vulnerabilities identified in the process required by subparagraph (C), which may include implementing any changes to security practices and the architecture, installation, repair, or implementation of network or operating software.

(E) a process for disposing of data in electronic media or personal information by shredding, permanently erasing, or otherwise modifying the personal information contained in such data to make such personal information or any other information contained in such data permanently unreadable or indecipherable;

(F) a standard method or methods for the destruction of paper documents and other non-electronic data containing personal information.

(3) TREATMENT OF ENTITIES GOVERNED BY OTHER LAW.—Any person who is in compliance with any other Federal law requiring such person to maintain standards and safeguards for information security and protection of personal information that, taken as a whole, is substantially similar to, or greater than, those required under this subsection, shall be deemed to be in compliance with this sub-section.

(b) SPECIAL REQUIREMENTS FOR INFORMATION BROKERS.

(1) SUBMISSION OF POLICIES TO THE FTC.—The regulations promulgated under sub-section (a) shall require each information broker to submit security policies to the Commission in conjunction with a notification of a breach of security under section 3 or upon request of the Commission.

(2) REGULATORY AGENT.—For any information broker required to provide notification under section 3, the Commission may conduct audits of the information security practices of such information broker, or require the information broker to conduct independent audits of such practices (by an independently auditing officer who has not audited such information broker’s security practices during the preceding 5 years).

(3) ACCURACY OF AND INDIVIDUAL ACCESS TO PERSONAL INFORMATION.—

(A) ACCURACY.—

(i) IN GENERAL.—Each information broker shall establish reasonable procedures to assure the maximum possible accuracy of the personal information it collects, assembles, or maintains, and any other information it collects, assembles, or maintains that specifically identifies an individual, other than information described in clause (i) which is collected, assembled, or maintained by the information broker for the purpose of indicating whether an individual is deceased; and

(ii) LIMITED EXemption FOR FAura DATA-BASES.—The requirement in clause (i) shall not apply to personal information or any other information which merely identifies an individual’s name or address.

(B) CONSUMER ACCESS TO INFORMATION.—

(i) Access.—Each information broker shall—

(A) provide to each individual whose personal information it maintains, at the individual’s request at least once per year and at no cost to the individual, and after verifying the identity of the individual, a means for the individual to review any personal information regarding such individual maintained by the information broker and that may be inaccurate with respect to such information;

(B) allow the individual to request a person to obtain public record information, inform the individual whose information the information broker is maintaining as to whether such information is being collected or maintained by such information broker.

(ii) DISPUTED INFORMATION.—Whenever an individual whose information the information broker maintains makes a written request disputing the accuracy of any such information, the information broker, after verifying the identity of the individual making such request and unless there are reasonable grounds to believe that such request is frivolous or irrelevant, shall—

(I) correct any inaccuracy; or

(ii) (aa) in the case of information that is public record information, inform the individual of the source of the information, and, if reasonably available, where a request for correction may be directed and, if the individual provides proof that the public record has been corrected or that the information broker was reporting the information incorrectly, correct the inaccuracy in the information broker’s records; or

(bb) in the case of information that is not public information, note the information that is disputed, including the individual’s statement disputing the information, and take reasonable steps to independently verify such information under the procedures outlined in subparagraph (A) if such information can be independently verified.

(iii) ALTERNATIVE PROCEDURE FOR CERTAIN MARKETING INFORMATION.—In accordance with regulations issued under clause (v), an information broker that maintains any information described in clause (i) which is used, shared, or sold by such information broker for marketing purposes, may, in lieu of the processes described in clause (ii), provide each individual whose information it maintains with a reasonable means of expressing a preference not to have his or her information used for such purposes. If the individual expresses such a preference, the information broker may not use, share, or sell the individual’s information for marketing purposes.

(iv) LIMITATIONS.—An information broker may limit the access to information required under subparagraph (B)(i)(I) and is not required under subparagraph (B)(i)(II) in the following circumstances:

(I) if access of the individual to the information is limited by law or legally recognized privilege.

(II) if the information is used for a legitimate governmental or non-governmental purpose that would be compromised by such access.

(iii) the information constitutes a public record or media record, unless that record has been declassified or released to the public under a government request or through an act of Congress.

(3) TREATMENT OF ENTITIES GOVERNED BY OTHER LAW.—Any person who is in compliance with any other Federal law requiring such person to maintain standards and safeguards for information security and protection of personal information that, taken as a whole, is substantially similar to, or greater than, those required under this subsection, shall be deemed to be in compliance with this paragraph with respect to such information.

(c) REQUIREMENT OF AUDIT LOG OF ACCESSED AND TRANSMITTED INFORMATION.—Not later than 1 year after the date of the enactment of this Act, the Commission shall promulgate regulations under section 533 of title 5, United States Code, to require information brokers to establish measures which facilitate the auditing or retraining of any internal or external access to, or transmissions of, information that is maintained, or shared with a third party.

(v) RULEMAKING.—Not later than 1 year after the date of the enactment of this Act, the Commission shall promulgate regulations under section 533 of title 5, United States Code, on the scope of the application of the limitations in clause (iv), including any additional circumstances in which an information broker may limit access to information under such clause that the Commission determines to be appropriate.

(d) FCRA RELATED PERSONS.—Any information broker who is engaged in activities subject to the Fair Credit Reporting Act and who is in compliance with sections 609, 610, and 611 of such Act with respect to information subject to such Act, shall be deemed to be in compliance with this paragraph with respect to such information.

(4) REQUIREMENT OF AUDIT LOG OF ACCESSED AND TRANSMITTED INFORMATION.—Not later than 1 year after the date of the enactment of this Act, the Commission shall promulgate regulations under section 533 of title 5, United States Code, to require information brokers to establish measures which facilitate the auditing or retraining of any internal or external access to, or transmissions of, information that is maintained, or shared with a third party.

(5) PROHIBITION ON PRETEXTING BY INFORMATION BROKERS.—

(A) PROHIBITION ON OBTAINING PERSONAL INFORMATION BY FALSE PRETENSES.—It shall be unlawful for an information broker to obtain or attempt to obtain, or cause to be disclosed or attempt to cause to be disclosed to any person, personal information or any other information relating to any other person by—

(i) making a false, fictitious, or fraudulent statement or representation to any person; or

(ii) providing any document or other information to any person that the information broker knows or should know to be false, counterfeit, lost, stolen, or fraudulently obtained, or to contain a false, fictitious, or fraudulent statement or representation.

(B) PROHIBITION ON SOLICITATION TO OBTAIN PERSONAL INFORMATION UNDER FALSE PRETENSES.—It shall be unlawful for an information broker to request a person to obtain personal information or any other information relating to any other person, if the information broker knows or should have known that the person to whom such a request is made will obtain or attempt to obtain such information in the manner described in subparagraph (A).

(C) EXCemption FOR CERTAIN Service PROVIDERS.—Nothing in this section shall apply to a service provider for any electronic communication by a telecommunication service provider, transmitted, routed, or stored in intermediate or transient storage by such service provider.
maintained by such person that contains such data—

(1) notify each individual who is a citizen or resident of the United States whose personal data the service provider acquired or retained for the purpose of maintaining or processing data in electronic form containing personal information on behalf of any other person who owns or possesses such data, such third party entity that has been contracted to maintain or process data in electronic form containing personal information on behalf of any other person that connects to or uses a system or network provided by the service provider for the purpose of transmitting, routing, or providing intermediate or transient storage of data, such service provider shall be required to notify of such a breach of security only the person who initiated the transmission of such data, or storage if such person can be reasonably identified. Upon receiving such notification from a service provider, such person shall provide the notification required under subsection (a).

(2) FORM OF SUBSTITUTE NOTICE.—If a service provider becomes aware of a breach of security of data in electronic form containing personal information that is owned or possessed by an individual that connects to or uses a system or network provided by the service provider for the purpose of transmitting, routing, or providing intermediate or transient storage of data, such service provider shall be required to notify of such a breach of security only the person who initiated the transmission of such data, or storage if such person can be reasonably identified. Upon receiving such notification from a service provider, such person shall provide the notification required under subsection (a).

(3) TIMELINESS OF NOTIFICATION WITH CREDIT REPORTING AGENCIES.—If a person is required to provide notification to more than 5,000 individuals under subsection (a)(1), the person shall also notify the major credit reporting agencies that compile and maintain files containing information on past and present credit and other financial transactions by any person that connects to or uses a system or network provided by the service provider for the purpose of transmitting, routing, or providing intermediate or transient storage of data, such service provider shall be required to notify of such a breach of security only the person who initiated the transmission of such data, or storage if such person can be reasonably identified. Upon receiving such notification from a service provider, such person shall provide the notification required under subsection (a).

(c) TIMELINESS OF NOTIFICATION.—(1) IN GENERAL.—Unless subject to a delay authorized under paragraph (2), a notification required under subsection (a) shall be made not later than 60 days following the discovery of a breach of security, unless the person providing notice can show that providing notice within such a time frame is not feasible due to the nature of the breach of security or necessary to prevent further breach or unauthorized disclosures, and reasonably restore the integrity of the data system, in which case case a notification shall be made as promptly as possible.

(2) DELAY OF NOTIFICATION AUTHORIZED FOR LAW ENFORCEMENT OR NATIONAL SECURITY PURPOSES.—(A) LAW ENFORCEMENT.—If a Federal, State, or local law enforcement agency determines that the notification required under subsection (a) would impede a civil or criminal investigation, such notification shall be delayed upon the written request of the law enforcement agency for 90 days or such lesser period of time that the law enforcement agency determines is reasonably necessary and required in writing. A law enforcement agency may, by a subsequent written request, extend the period of delay for a period of time set forth in the original request made under this paragraph if further delay is necessary.

(B) NATIONAL SECURITY.—If a Federal national security agency or homeland security agency determines that the notification required under this section would threaten national security or protect such information in a manner consistent with the regulations issued by the Commission under paragraph (3)(A); or

(i) lack of sufficient contact information for the individual; or

(ii) such individual—

(i) email notification to the extent that the person has email addresses of individuals to whom it is required to provide notification under subsection (a)(1); or

(ii) a telephone number by which the individual can be reached, at no cost to such individual, to whom it is required to provide notification under subsection (a)(1). Such substitute notification shall include—

(i) written notification.

(ii) a telephone number by email or other electronic means, if—

(i) the individual’s primary method of communication with the individual by email or other electronic means, or

(ii) the individual has consented to receive such notification and the notification is provided in a manner that is consistent with the provisions of section 101 of the Electronic Signatures in Global and National Security Act (15 U.S.C. 7001).

(B) CONTENT OF NOTIFICATION.—Regardless of the method by which notification is provided to an individual under subparagraph (A), such notification shall include—

(i) a description of the personal information that was acquired or accessed by an unauthorized person;

(ii) a telephone number that the individual may use, at no cost to such individual, to contact the person to inquire about the breach of security or the information the person maintained about that individual;

(iii) notice that the individual is entitled to receive, at no cost to such individual, consumer credit reports on a quarterly basis for a period of 2 years, or credit monitoring or other service that enables consumers to detect the misuse of their personal information for a period of 2 years, and instructions on requesting such reports or service from the person, except when the only information which has been the subject of the security breach is the individual’s first name or initial and last name, or address, telephone number, email address, or date of birth, or any individual data or combination of individual data permitted by paragraphs (1) through (4); or

(iv) the names and addresses of the major credit reporting agencies; and

(v) a toll-free telephone number and Internet website address for the Commission whereby the individual may obtain information regarding identity theft.

(2) SUBSTITUTE NOTIFICATION.—(A) CIRCUMSTANCES GIVING RISE TO SUBSTITUTE NOTIFICATION.—A person required to provide notification to individuals under subsection (a)(1) shall be in compliance with such requirement if the person provides conspicuously and clearly identified notification by one of the following methods: provided to the individual or consumer reasonably expected to reach the intended individual:

(i) written notification.

(ii) notification by email or other electronic means, if—

(i) the individual’s primary method of communication with the individual by email or other electronic means, or

(ii) the individual has consented to receive such notification and the notification is provided in a manner that is consistent with the provisions of section 101 of the Electronic Signatures in Global and National Security Act (15 U.S.C. 7001).

(B) CONTENT OF NOTIFICATION.—Regardless of the method by which notification is provided to an individual under subparagraph (A), such substitute notification shall include—

(i) a description of the personal information that was acquired or accessed by an unauthorized person;

(ii) a telephone number that the individual may use, at no cost to such individual, to contact the person to inquire about the breach of security or the information the person maintained about that individual;

(iii) notice that the individual is entitled to receive, at no cost to such individual, consumer credit reports on a quarterly basis for a period of 2 years, or credit monitoring or other service that enables consumers to detect the misuse of their personal information for a period of 2 years, and instructions on requesting such reports or service from the person, except when the only information which has been the subject of the security breach is the individual’s first name or initial and last name, or address, telephone number, email address, or date of birth, or any individual data or combination of individual data permitted by paragraphs (1) through (4); or

(iv) the names and addresses of the major credit reporting agencies; and

(v) a toll-free telephone number and Internet website address for the Commission whereby the individual may obtain information regarding identity theft.

(3) REGULATIONS AND GUIDANCE.—(A) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Commission shall, by regulation under section 553 of title 5, United States Code, establish criteria for determining circumstances under which substitute notification may be provided under paragraph (2), including criteria for determining if notification under paragraph (1) is not feasible due to excessive costs to the person required to provide such notification relative to the resources of such person. Such regulations may also identify other circumstances where substitute notification would be appropriate for any person, including circumstances under which the costs of providing notification exceeds the benefits to consumers.

(B) GUIDANCE.—In addition, the Commission shall provide and publish general guidance respecting requirements of this section. Such guidance shall include—

(i) a description of written or email notification that complies with the requirements of paragraph (1); and

(ii) guidance on the content of substitute notification under paragraph (2), including the extent of notification to print and broadcast media that complies with the requirements of such paragraph.

(e) OTHER OBLIGATIONS FOLLOWING BREACH.—(1) IN GENERAL.—A person required to provide notification under subsection (a) shall, upon request of an individual whose personal information was included in the breach of security, provide or arrange for the provision of, to each such individual and at no cost to such individual—

(A) consumer credit reports from at least one of the major credit reporting agencies beginning not later than 60 days following the individual’s request and continuing on a quarterly basis for a period of 2 years thereafter.

(B) a credit monitoring or other service that enables consumers to detect the misuse of their personal information, beginning not later than 60 days following the individual’s request and continuing for a period of 2 years.
the Commission shall issue guidance regard-
ning bodies.

(b) ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of section 2 or 3 shall be treated as an unfair and deceptive act or practice in violation of a regulation under section 5 of the Federal Trade Commission Act (15 U.S.C. 55(a)(1)(B)) regarding unfair or deceptive acts or practices.

(2) POWERS OF COMMISSION.—The Commission shall have in the same man-
ner, by the same means, and with the same
jurisdiction, powers, and duties as though all applicable terms and provisions of the Fed-
advising consumer organizations, and data security and identity theft prevention
experts and established standards set-
ing bodies.

(c) FTC GUIDANCE.—Not later than 1 year after the date of the enactment of this Act, the Commission shall issue guidance regarding the application of the exemption in para-

(g) WEBSITE NOTICE OF FEDERAL TRADE COMMISSION.—If the Commission, upon re-
ceiving notification of any breach of security that is required to be received under subsection (a)(2), finds that notification of such a breach of security via the Commis-
sion’s Internet website would be in the pub-
lic interest or for the protection of con-
sumers, the Commission shall place such a notice in a clear and conspicuous location on its Internet website.

(h) FTC STUDY ON NOTIFICATION IN LAN-

guages in addition to English.—Not later than 1 year after the date of enactment of this Act, the Commission shall conduct a study on the practicality and cost effective-
ness of requiring the notification required by subsection (a)(2) to be provided in a language in addition to English to individuals known to speak only such other language.

(i) GENERAL RULEMAKING AUTHORITY.—The Commission may promulgate regulations necessary under section 533 of title 5, United States Code, to effectively enforce the re-
quirements of this section and biannually thereafter, the amounts specified in clauses (i) and (ii) of subparagraph (A) shall be increased by the percentage increase in the Consumer Price Index for All Urban Consumers required under section 3(a) that date from the Consumer Price Index published the previous year.

(j) TREATMENT OF PERSONS GOVERNED BY
OTHER LAW.—A person who is in compliance with any other law that requires such a person to provide notification to indi-
viduals following a breach of security, and that, taken as a whole, provides protections substantially similar to those provided under this section, as the Commission shall determine by rule (under section 533 of title 5, United States Code), shall be deemed to be in compliance with this section.

SEC. 4. APPLICATION AND ENFORCEMENT.

(a) GENERAL APPLICATION.—The require-
ments of subsection (a)(2) shall only apply to those persons, partnerships, or corporations over which the Commission has authority pursuant to section 5(a)(2) of the Federal Trade Commission Act.

(b) ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of section 2 or 3 shall be treated as an unfair and deceptive act or practice in violation of a regulation under section 5 of the Federal Trade Commission Act (15 U.S.C. 55(a)(1)(B)) regarding unfair or deceptive acts or practices.

(2) POWERS OF COMMISSION.—The Commis-

(3) LIMITATION.—In promulgating rules under this Act, the Commission shall not re-
quire the deployment or use of any specific products or technologies, including any spec-
cific computer software or hardware.

(c) ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(1) CIVIL ACTION.—In any case in which the
attorney general of a State, or an official or agency of a State, finds that notification required under section 3(a) to the Commission of the Commission of the affected State shall be in the public interest, the attorney general of a State, or an official or agency of a State, may bring a civil action on behalf of the residents of the State against any defendant named in the complaint of the Commission for any violation of this Act alleged in the complaint.

(2) CIVIL PENALTIES.—

(A) To enjoin further violation of such sec-

(i) to intervene in the action;

(ii) upon so intervening, to be heard on all matters arising therein; and

(iii) to file petitions for appeal.

(B) LIMITATION ON STATE ACTION WHILE FED-
ERAL ACTION IS PENDING.—If the Commission has instituted a civil action for violation of this Act, no State attorney general, or of-
icial or agency of a State, may bring an ac-
tion under this subsection in the pend-
ency of that action against any defendant
named in the complaint of the Commission for any violation of this Act alleged in the complaint.

(4) CONSTRUCTION.—For purposes of bring-
ning any civil action under paragraph (1), nothing in this Act shall be construed to pre-
vent an attorney general of a State from ex-
cercising the powers conferred on the attor-
ney general by the laws of that State to—

(A) conduct investigations;

(B) administer oaths or affirmations; or

(C) compel the attendance of witnesses or the production of documentary and other evidence.

(d) AFFIRMATIVE DEFENSE FOR A VIOLATION OF SECTION 3.—

(1) IN GENERAL.—It shall be an affirmative
defense to an enforcement action brought under subdivision (b), (f), or (h) of this section brought under subsection (c), based on a viola-
tion of section 3, that all of the personal information contained in the data in elec-
tronic form that was acquired or accessed as a result of a breach of security of the defend-
ant is public record information that is law-
fully made available to the general public
from Federal, State, or local government
records and was acquired by the defendant from such records.

(2) EFFECT ON OTHER REQUIREMENTS.—

Nothing in this subsection shall be construed to exempt any person from the requirement to notify the Commission of a breach of security required under section 3(a).

SEC. 5. DEFINITIONS.

In this Act the following definitions apply:

(1) BREACH OF SECURITY.—The term "breach of security" means unauthorized ac-
cess to or acquisition of personal information in an electronic form containing personal information.

(2) COMMISSION.—The term "Commission" means the Federal Trade Commission.

(i) DATA IN ELECTRONIC FORM.—The term "data in electronic form" means any data stored electronically or digitally on any
computer system or other database and includes recordable tapes and other mass storage devices.

(4) "Encryption."—The term "encryption" means the process of converting data in electronic form in storage or in transit using an encryption technology that has been adopted by an established standards setting body which renders such data indecipherable in the absence of associated cryptographic keys necessary to enable decryption of such data. Such encryption must include appropriate management and safeguards of such keys to protect the integrity of the encryption.

(5) "Identity theft."—The term "identity theft" means the unauthorized use of another person's personal information for the purpose of engaging in commercial transactions under the name of such other person.

(6) "Information broker."—The term "information broker" means a commercial entity whose business is to collect, assemble, or maintain personal information concerning individuals who are not current or former customers of such entity in order to sell such information or provide access to such information to any nonaffiliated third party in exchange for consideration, whether such consideration, as is assembled or maintained, is performed by the information broker directly, or by contract or subcontract with any other individual or entity.

(B) does not include a commercial entity to the extent that such entity processes information collected by or on behalf of and received from or on behalf of a nonaffiliated third party concerning individuals who are current or former customers or employees of such third party to enable such third party directly or through parties acting on its behalf to (1) provide benefits for its employees or (2) directly transact business with its customers.

(7) "Personal information."—

(A) "Definition."—The term "personal information" means an individual's first name or initial and last name, or address, or phone number, in combination with any 1 or more of the following data elements for that individual:

(i) Social Security number.

(ii) Driver's license number, passport number, military identification number, or other similar number issued on a government document used to verify identity.

(iii) Credit or debit card number, and any required security code, access code, or password that is necessary to permit access to an individual's financial account.

(B) "Modified definition by rulemaking."—The Commission may, by rule promulgated under section 553 of title 5, United States Code, modify the definition of "personal information" under subparagraph (A)—

(i) for the purpose of section 2 to the extent that such modification will not unreasonably impede interstate commerce, and will accomplish the purposes of this Act; or

(ii) for the purpose of section 3, to the extent that such modification is necessary to accomplish the purposes of the Act, will not unreasonably impede interstate commerce, and will accomplish the purposes of this Act.

(8) "Nonpersonal information."—The term "nonpersonal information" means information that is of private nature and neither available to the general public nor obtained from a public record.

(10) "Service provider."—The term "service provider" means a person that provides electronic data transmission, routing, intermediate and transient storage, or connections to a system or network, where the person providing such services does not select or modify the content of the electronic data, is not the sender or the intended recipient of such data, is not the recipient of intermediate or transient storage, or routes, stores, or provides connections for personal information in a manner that personal information is undifferentiated from other types of data that such person transmits, routes, stores, or provides connections. Any such person shall be treated as a service provider under this Act only to the extent that it is engaged in the provision of such transmission, routing, intermediate and transient storage or connections.

SEC. 6. EFFECT ON OTHER LAWS.

(a) Prevention of state information security laws.—This Act supersedes any provision of a statute, regulation, or rule of a State or political subdivision of a State, with respect to those entities covered by the regulations issued pursuant to this Act, that expressly—

(1) requires information security practices and treatments of personal information similar to any of those required under section 2; and

(2) requires notification to individuals of a breach of security resulting in unauthorized access to or acquisition of data in electronic form containing personal information.

(b) Additional preemption.—

(1) In general.—Other than a person specified in section 5(c), nothing in this Act shall be construed to preempt the applicability of—

(i) State trespass, contract, or tort law; or

(ii) Other State laws to the extent that those laws relate to the provision of financial services.

(d) Preservation of FTC authority.—Nothing in this Act may be construed in any way to limit or affect the Commission's authority under provisions of law relating to—

(1) State trespass, contract, or tort law; or

(2) Other State laws to the extent that those laws relate to the provision of financial services.

SEC. 7. EFFECTIVE DATE.

This Act shall take effect 1 year after the date of enactment of this Act.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Commission $1,000,000 for each of fiscal years 2010 through 2015 to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. Rush) and the gentleman from Florida (Mr. Stearns) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. Rush. 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 in the RECORD.

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

There was no objection.

Mr. Rush. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the first bill that I am urging adoption of is H.R. 2221, the Data Accountability and Trust Act, known as the DATA Act.

H.R. 2221 addresses data breaches by requiring for-profit entities holding data containing people's personal information to have reasonable and appropriate security measures in place to protect that data. H.R. 2221 would also require them to notify consumers who are U.S. citizens or residents and the Federal Trade Commission when a breach occurs.

For the past 5 years, the Privacy Rights Clearinghouse contends that nearly 320 million records containing sensitive personal information have been involved in security breaches. High-profile data breaches have plagued financial institutions, nationwide retailers, online merchants, information brokers, credit card processors, health care institutions, high-tech companies, research facilities, and government agencies.

Currently, several laws address data security requirements for narrow categories of information or specific sectors of the marketplace. These laws include the Gramm-Leach-Bliley Act Security Disposal Rule, which imposes data security requirements for financial institutions and the Fair Credit Reporting Act Disposal Rule, which imposes safe disposal obligations on entities that maintain consumer report information.

In addition, FTC has used its enforcement authority under the FTC Act to bring actions against companies that have made misleading claims about data security procedures or who have failed to employ reasonable security measures in circumstances causing substantial injury.

However, there is no comprehensive Federal law that requires all companies that hold consumers' personal information to implement reasonable measures to protect that data. Also, there is no Federal law that requires companies that experience a data breach to provide notice to those consumers whose personal information was compromised. Those entities who determine that there is no reasonable risk of identity theft, fraud, or other unlawful conduct would be exempt from providing nationwide notice to affected persons under H.R. 2221.

The DATA Act establishes a rebuttal presumption in the law that encryption-based technologies and methodologies adequately meet the determination standard in section 3, subsection (f)(2)(A) of the bill. More narrow exemptions are provided for a defined category of personal information holders known as "service providers" in addition to information brokers who handle protective data but only for the limited purposes of preventing fraud.

In promulgating the regulations under this subsection, the FTC may determine to be in compliance any person who is required under any other Federal law to maintain standards and
safeguards for information security and protection of personal information that provide equal or greater protection than H.R. 2221.

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

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

Mr. Speaker, I rise in support of H.R. 2221, the Data Accountability and Trust Act, and I am very pleased and gratified that we’re considering this bill today. I’ve taken an active part and interest in data privacy, and I am happy that the House Members will now finally have an opportunity to vote on this important legislation which, frankly, I introduced in its original form in the 109th Congress.

As former chairman of the Subcommittee on Commerce, Trade, and Consumer Protection, CTCP, of the Energy and Commerce Committee, I held two hearings in 2006 on identity theft and security breaches involving personal information. These hearings led me to introduce the Data Accountability and Trust Act, which would require any entity that experiences a simple breach of security, such as a business, to notify all those folks in the United States whose information was acquired by an unauthorized person as a result of this breach. My bill was reported out of the Energy and Commerce Committee by a unanimous vote, but, unfortunately, it never made its way to the House floor for a final vote.

But today we’re considering legislation that is almost identical to the bill I sponsored when I was chairman of the CTCP Subcommittee. So I would like to commend Chairman BOBBY RUSH for his leadership in introducing this bill, and I’m proud to be the original co-sponsor of the bill.

My colleagues, importantly, this bill requires an audit of a data broker’s security policies and procedures that protect this data from unauthorized use and requires data brokers to establish reasonable procedures to verify the accuracy of their data and also to allow consumers access to such information while also including important provisions to prevent fraudsters from accessing this same information.

The DATA bill also directs the Federal Trade Commission to create rules requiring persons in interstate commerce that own or possess data to simply establish and implement security policies and procedures that protect this data from unauthorized use and requires data brokers to establish reasonable procedures to verify the accuracy of their data and also to allow consumers access to such information while also including important provisions to prevent fraudsters from accessing this same information.

The CTCP Subcommittee worked in a bipartisan manner to address a few problems. So they have been mitigated.

Importantly, H.R. 2221 does not impose duplicative, inconsistent, or overlapping regulations. The bill ensures that any person who is in compliance with a similar data security law will then be deemed to be in compliance with H.R. 2221. Additionally, with respect to concerns that were raised about the access and dispute resolution requirements for information brokers, the DATA bill provides that if an information broker is in compliance with all applicable relevant laws, then the information broker will also be deemed to be in compliance with respect to that information.

Members should also note that the Data Accountability and Trust Act only applies to those entities that are subject to Federal Trade Commission jurisdiction. Banks, savings and loan institutions, thrifts, and the business of insurance are not subject to the requirements of this bill.

Consideration of this bill today is timely, as data security, data privacy problems continue to affect countless Americans each year. In fact, according to Privacy Rights Clearinghouse, almost 200,000,000 personal records were compromised in 2005. Additionally, with respect to concerns that were raised about concerns that were raised about the access and dispute resolution requirements for information brokers, the DATA bill provides that if an information broker is in compliance with all applicable relevant laws, then the information broker will also be deemed to be in compliance with respect to that information.

One of the largest known breaches in our country actually occurred in January of this year at HealthCare.com. In this case over 180 million personal records were compromised. Furthermore, universities across this Nation have had names, photos, phone numbers, and addresses of their students compromised or stolen. Sensitive technology companies such as SAIC, Science Application International Corporation, and large financial institutions such as Bank of America have also experienced these breaches. Hospitals have had the personal information of their patients in hospitals compromised.

Earlier this year, hackers broke into a Virginia website used by pharmacists to track prescription drug abuse. They successfully deleted records of more than 8 million patients and replaced the site’s home page with a ransom note demanding $10 million for the return of these records.

Breaches have also occurred in the Department of Motor Vehicles; the IRS; the Federal Trade Commission itself; the FDIC, which is the Federal Deposit Insurance Corporation; the State Department; the Department of Veterans Affairs; the Department of Justice. Of course, the list goes on and on.

Oftentimes, these data security breaches can lead to credit card fraud and even identity theft, which can require time and a whole lot of money and energy from consumers to simply repair their good name and to restore their credit history.

Consideration of this bill, the Data Accountability and Trust Act, is timely and necessary to give the record number of data breaches that are occurring across this country their due and protection. So I urge my colleagues at this time to support the bill.

Mr. Speaker, I have no further questions, and I yield back my time.

Mr. RUSH. Mr. Speaker, as has been noted, and as is obvious here, H.R. 2221 is a bipartisan bill that is the result of a cooperative process. It was first introduced in the 109th Congress by Representative STEARNS as the lead sponsor when the Republicans were in the majority. It was voted out of full committee by a unanimous recorded vote. This year, it was introduced by myself as lead sponsor, and after making further improvements to the bill, it was voted out of full committee by voice vote. Compromises were made on all sides to produce an effective piece of legislation.

I would like to thank both Members and staff from both sides of the aisle for their work on this bill. I want to thank Mr. STEARNS, Mr. BARTON, Mr. RADANOVICH, Ms. SCHAKOWSKY, and the ranking member of the Committee on Energy and Commerce, Mr. WAXMAN, for working in a bipartisan fashion to move this important legislation forward.

Mr. Speaker, it is, again, unacceptable that in 2009 there is no comprehensive Federal law that requires all companies that hold consumers’ personal information to protect that data. It is equally unacceptable that there is no Federal law requiring companies that experience a data breach to provide notice to those consumers whose personal information was compromised. This bill creates uniform, nationwide standards for breach notification. That’s not only good for consumers, but uniform standards are also good for business, good for Americans, and good for our constituents. We need this law, and I urge my colleagues to support and pass H.R. 2221.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. Rush) that the House suspend the rules and pass the bill, H.R. 2221, as amended.

The question was taken, and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: “A bill to protect consumers by requiring reasonable security policies and procedures to protect data containing personal information, and to provide for nationwide notice in the event of a security breach.”.

A motion to reconsider was laid on the table.

INFORMED P2P USER ACT
Mr. RUSH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1319) to prevent the inadvertent disclosure of information on a computer through the use of certain "peer-
to-peer” file sharing software without first providing notice and obtaining consent from the owner or authorized user of the computer, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1319

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the “Informed P2P User Act”.

SEC. 2. CONDUCT PROHIBITED.

(a) NOTICE AND CONSENT REQUIRED FOR FILE-SHARING SOFTWARE.—

(1) NOTICE AND CONSENT REQUIRED PRIOR TO INSTALLATION.—It is unlawful for any covered entity to install on a protected computer or offer or make available for installation or download on a protected computer a covered file-sharing program unless such program—

(A) immediately prior to the installation or downloading of such program—

(i) provides clear and conspicuous notice that such program allows files on the protected computer to be made available for searching by and copying to one or more other computers; and

(ii) obtains the informed consent to the installation of such program from an owner or authorized user of the protected computer;

(B) immediately prior to initial activation of a file-sharing function of such program—

(i) provides clear and conspicuous notice of which files on the protected computer are to be made available for searching by and copying to another computer; and

(ii) obtains the informed consent from an owner or authorized user of the protected computer on which such program is installed to have selected or authorized such program for searching and copying to another computer;

(2) NON-APPLICATION TO PRE-INSTALLED SOFTWARE.—Nothing in paragraph (1)(A) shall apply to the installation of a covered file-sharing program on a computer prior to the first sale of such computer to an end user, provided that notice is provided to the end user who first purchases the computer that such a program has been installed on the computer.

(3) NON-APPLICATION TO SOFTWARE UPGRADES.—Once the notice and consent requirements of paragraphs (1)(A) and (1)(B) have been satisfied with respect to the installation or initial activation of a covered file-sharing program on a protected computer after the effective date of this Act, the notice and consent requirements of paragraphs (1)(A) and (1)(B) do not apply to the installation or initial activation of software modifications or upgrades to a covered file-sharing program installed on that protected computer at the time of the software modifications or upgrades so long as those software modifications or upgrades do not—

(A) make files on the protected computer available for searching by and copying to one or more other computers; or

(B) add to the types or locations of files that can be made available by the covered file-sharing program for searching by and copying to one or more other computers; or

(2) prevent the reasonable efforts of an owner or authorized user of a protected computer to install on the computer a covered file-sharing program or file-sharing function thereof; or

(2) to prevent an owner or authorized user of a protected computer from having a reasonable means to either—

(A) disable from the protected computer any covered file-sharing program; or

(B) remove from the protected computer any covered file-sharing program that the covered entity caused to be installed on that computer or induced another individual to install.

SEC. 3. ENFORCEMENT.

(a) UNFAIR AND DECEPTIVE ACTS AND PRACTICES.—Violation of section 2 shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18a(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 50a(a)).

(b) FEDERAL TRADE COMMISSION ENFORCEMENT.—The Federal Trade Commission shall enforce this Act in the same manner, by the same means, and with the same jurisdiction as though all applicable terms and provisions of the Federal Trade Commission Act were treated as a violation of a rule defining a unfair or deceptive act or practice prescribed under section 18a(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 50a(a)).

(c) PRESERVATION OF FEDERAL AND STATE AUTHORITY.—Nothing in this Act shall be construed to limit or supersede any other Federal or State law.

SEC. 4. DEFINITIONS.

As used in this Act—

(1) the term “commercial entity” means an entity engaged in acts or practices in or affecting commerce, as such term is defined in section 3(a) of title 15, United States Code; and

(2) the term “covered entity” means—

(A) a commercial entity that develops a covered file-sharing program; and

(B) a commercial entity that disseminates or distributes a covered file-sharing program and is owned or operated by the commercial entity that developed the covered file-sharing program;

(3) the term “protected computer” has the meaning given such term in section 1030(e)(2) of title 18, United States Code; and

(4) the term “covered file-sharing program”—

(A) means a program, application, or software that is commercially marketed or distributed to the public and that enables—

(i) a file or files on a protected computer on which such program is installed to be designated as available for searching by and copying to one or more other computers owned by another person; and

(ii) the searching of files on the protected computer on which such program is installed and the copying of any such file to a computer owned by another person—

(I) at the initiative of such other computer and without requiring any action by an owner or authorized user of the protected computer on which such program is installed; and

(II) without requiring an owner or authorized user of the protected computer on which such program is installed to have selected or designated a computer owned by another person as the recipient of any such file; and

(B) the protected computer on which such program is installed to search files on one or more other computers owned by another person using the same or a compatible program, application, or software, and to copy files from the other computer to such protected computer; and

(B) does not include a program, application, or software designed primarily to—

(i) operate as a server that is accessible over the Internet using the Internet Domain Name system;

(ii) transmit or receive email messages, instant messages, audio or video communications, or real-time voice communications; or

(iii) provide network or computer security, network management, hosting and backup services, maintenance, diagnostics, technical support or repair, or to detect or prevent fraudulent activities, or any instrumentality of the Federal Government; and

(iv) the term “file-sharing function” means—

(A) the first time the file sharing function of a covered file-sharing program is activated on a protected computer; and

(B) does not include subsequent uses of the program on that protected computer.

SEC. 5. REMARKS.

The Federal Trade Commission may promulgate regulations under section 553 of title 5, United States Code to accomplish the purposes of this Act. Such regulations, if promulgated under this Act, the Federal Trade Commission shall not require the deployment or use of any specific products or technologies.

SEC. 6. NONAPPLICATION TO GOVERNMENT.

The prohibition in section 2 of this Act shall not apply to the Federal Government or any instrumentality of the Federal Government, nor to any State government or government of a subdivision of a State.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. RUSH) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. RUSH. 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 in the Record.

The SPEAKER pro tempore. Is there objection to the gentleman from Illinois?

There was no objection.

Mr. RUSH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this second bill which I am urging adoption of is H.R. 1319, the Informed P2P User Act.

H.R. 1319 was originally introduced by the gentlelady from California, Mrs. MACK, Ranking Member of the Subcommittee on Communications and Technology, the gentleman from Texas; and Mr. BARROW, the gentleman from Georgia.

H.R. 1319, similar to H.R. 2221, would better enable consumers to secure personal information. The focus under H.R. 1319 is on personal information which resides on “protected computers.” By making these users of file-sharing software programs more aware of the risk involved in downloading and running these programs, the P2P Act will reduce the inadvertent disclosures of sensitive information over the Internet.

Under H.R. 1319, developers of file-sharing software programs would be prohibited from installing their software or from making it available for installation or downloading without first notifying consumers that their software is capable of searching and copying files from their computers. Developers would also have to provide consumers with a reasonable means to delete or remove their program. H.R. 1319 would not require user notice prior to installation for software that was installed prior to the initial...
The P2P Act would also provide the FTC with discretionary rulemaking authority and expressly states that it does not apply to the Federal Government.

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

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume, and I also rise in support of H.R. 1319, the Informed P2P User Act of 2009.

For the second consecutive Congress, Mrs. BONO MACK has introduced this legislation because too many American consumers are having their personal information stolen and their lives wrecked by the careless distribution of file-sharing software which more often than not is used to distribute copyright-infringing content and child pornography. File-sharing software distributors can no longer be trusted to do the right thing.

The problem of inadvertent file sharing caused by peer-to-peer programs has been felt by thousands of consumers and widely reported by the press. Recent high profile cases, like Marine One schematics being found on a network in Iran, the public availability of United States Supreme Court Justices' financial records, and the compromising of our own House Committee on Standards of Official Conduct's network security only serve to underscore the dangers associated with file-sharing software and the importuning of American consumers with the tools and information they need to make wise decisions online.

As a believer in the power of the free market, I am willing to afford commercial opportunities the opportunity to self-regulate; however, the distributors of file-sharing software have proven they are either unable or unwilling to handle their affairs without intervention. This bill is the logical consequence.

In the House of Representatives alone, inadvertent file sharing has been the subject of at least five congressional hearings in three separate committees. In each hearing, distributors of file-sharing software have come forth with a list of voluntary best practices or a commitment to correct the problem, but in each instance they have failed to do so.

The Informed P2P User Act improves upon existing law because its substantive requirements are more narrowly targeted at the critical problem of inadvertent sharing. Unfortunately, many users of the software—particularly parents of their children and parents—are unaware of the potential dangers of file-sharing software. Today, by passing the Informed P2P User Act, we will move that much closer to arming American consumers with the information they need to protect their personal information.

Now, I thought I would go into what the bill includes:

One, it will create a system where users of file-sharing programs are provided with conspicuous notice and forced to give consent prior to installation and activation of a file-sharing program. And two, requires entities that develop file-sharing programs to make it reasonably simple to block or remove these programs once they are installed.

Additionally, this act will require an easy-to-understand notice and consent rule for file-sharing software. It is my belief that by providing consumers with this information, he or she will make a more informed choice.

Finally, my colleagues, the Informed P2P User Act ensures a narrow scope by exempting technologies like e-mail, instant messaging, real-time audio or video communications, and real-time voice communications.

This bill has broad bipartisan support, including 36 cosponsors, written endorsement of 41 State Attorneys General, and the full backing of child safety groups such as Stop Child Predators.

I would like to commend Congresswoman BONO MACK for all the work she has done here; the ranking member on the subcommittee, Mr. BARTON; obviously Mr. RUSH for being on the floor; and Congressman BARROW for his leadership on this issue. I encourage the passage of this bill.

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

Mr. RUSH. Mr. Speaker, it is my pleasure to now yield 5 minutes to the gentleman from Georgia (Mr. BARROW).

Mr. BARROW. I thank the chairman of the subcommittee for his leadership on this issue and for yielding.

Mr. Speaker, I rise today in support of H.R. 1319, the Informed Peer-to-Peer User Act, which I introduced with Representatives BONO MACK and BARTON.

We live in a world where digital technology connects people in ways that make all kinds of collaboration and innovation possible. There is no question about the benefits of this technology; what I am worried about is the cost. This technology has made us all more productive all right, but it has also made it easier for others to invade our personal records and reveal private information about us and our families that we would never choose to disclose. This bill will protect consumers by making Internet users more aware of the inherent privacy and security risks associated with peer-to-peer file-sharing programs.

All too often, folks who connect to these networks don't even realize that their most personal and private files are visible to everyone else on the network at any time. They are posting their tax returns, their financial records, and personal messages on the Internet and they don't even know it. Recent reports have indicated that peer-to-peer programs are implicated in a security breach involving Marine One—the helicopter used by President Obama—and another high profile case involved Supreme Court Justice Stephen Breyer.

There are all kinds of legitimate peer-to-peer software packages out there, and we are working real hard to make sure that none of those are impacted or limited by what is proposed by this legislation, but in this instance, the committee members are going to continue to make sure that the scope of this bill doesn't interfere with the productive capacity of this technology. But this bipartisan bill is critical to protecting the privacy and Internet safety of American families. We have truth in lending and truth in labeling. I think it's time we had truth in networking.

I want to thank Congresswoman BONO MACK for her leadership and Congresswoman BARTON for his sponsoring this bill and working with me on this important legislation. I urge my colleagues to vote in support of the Informed Peer-to-Peer User Act.

Mr. STEARNS. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I am pleased to rise in support of the Informed Peer-to-Peer User Act.

As we are hearing today on the floor, it is imperative that we increase public awareness of the dangers associated with P2P file sharing, and Mr. BARROW just spoke so well to those points.

The reason that this legislation is needed and why it effectively requires software applications to provide clear warning notices to their users is because, as the gentleman from Georgia indicated, many people are not aware of what they are finding themselves in the middle of as their information is exposed on the Internet.

In addition, the Seventh District of Tennessee, my district, is home to some of the country's most talented and creative minds in the music industry, and they rely heavily on P2P file sharing in crafting and bringing forward their music.

However, P2P programs are notorious for stealing copyrighted work, and this legislation does much to curb the piracy and the copyright infringement while stepping up penalties that are badly needed for those that are knowingly and willingly carrying out these violations. Unknown and untracked predators have been given fertile ground to steal intellectual property in a system that had been previously void of any centralized mechanism to track, monitor, and prosecute the violators.

I do want to commend those on both sides of the aisle, especially Mr. BARROW, Mrs. BONO MACK, Mr. BARTON, and Mr. STEARNS, for all their hard work in crafting this bill, and I encourage everyone to support the legislation.

Mr. STEARNS. Mr. Speaker, I have no further questions.

I would just conclude by saying, oftentimes when we come to the floor, we have very controversial bills. We've had two consecutive bills here that had
bipartisan support. So it’s important, I think, the American people realize that Congress can get things done, and these two bills are the best example of it. And so I urge all my colleagues to support this act.

I yield back the balance of my time. Mr. RUSH. Mr. Speaker, I yield myself as much time as I may consume for a closing statement.

Mr. Speaker, again, as the gentleman from Florida has indicated, this is a bipartisan bill. It is the result of a very intense and cooperative process. It was voted out of the full committee by a unanimous recorded vote.

Mr. Speaker, I would like to thank both Members and the staffs on both sides of the aisle for their hard work on this important piece of legislation. I want to thank, in particular, Mrs. BONO MACK, Mr. BARTON, Mr. BARROW, Mr. WAXMAN, Mr. RADANOVICH, and others working in a true bipartisan fashion to move this important piece of legislation and to move it forward.

Mr. Speaker, I urge all my colleagues to vote for this bill and to approve this bill.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. RUSH) that the House suspend the rules and pass the bill, H.R. 1319, as amended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. LEWIS) and the gentleman from Ohio (Mr. TIBERI) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia. GENERAL LEAVE

Mr. LEWIS of Georgia. Mr. Speaker, I ask unanimous consent to give Members 5 legislative days to review and extend their remarks on H.R. 4217.

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

There was no objection. Mr. LEWIS of Georgia. Mr. Speaker, I yield myself as much time as I may consume.

H.R. 4217, the Fiscal Year 2010 FAA Extension Act, Part II, extends the financing and spending authority for the Airport and Airway Trust Fund. The trust fund taxes and spending authority are scheduled to expire on December 31, 2009, a few days from now. This bill simply extends these taxes for 3 months.

Earlier this year, the House passed legislation allowing the trust fund to operate through 2012. Unfortunately, the Senate has not considered this important legislation. Today’s bill simply keeps the Airport and Airway Trust Fund taxes and operations in place until a long-term measure can be signed into law.

Air travel plays a critical role in our economy and in our lives. The world’s busiest passenger airport, Hartsfield-Jackson Atlanta International Airport, is located in my congressional district. This airport alone has a direct impact of $24 billion on our economy. Failure to act will prevent the FAA from spending funds that are already in the trust fund. As a result, important airport construction projects around the country would shut down.

This bill also extends a number of authorizing provisions that are under the

SEC. 2. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY. (b) AUTHORIZATION OF APPROPRIATIONS.—
(a) In General.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—
(1) by striking “December 31, 2009,” and inserting “April 1, 2010,” and
(2) by inserting “or the Fiscal Year 2010 Federal Aviation Administration Extension Act, Part II” before the semicolon at the end of subparagraph (A).

SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY. (b) In General.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—
(1) by striking “December 31, 2009,” and inserting “April 1, 2010,” and
(2) by inserting “or the Fiscal Year 2010 Federal Aviation Administration Extension Act, Part II” before the semicolon at the end of subparagraph (A).

SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM. (a) Authorization of Appropriations.—
(1) In General.—Paragraph (1) of section 48103(7) of title 49, United States Code, is amended to read as follows:

SEC. 5. EXTENSION OF EXPIRING AUTHORITIES. (a) In General.—Paragraph (1) of section 47107 of title 49, United States Code, is amended by striking “January 1, 2010,” and inserting “April 1, 2010.”

SEC. 6. FEDERAL AVIATION ADMINISTRATION OPERATIONS. (b) In General.—Paragraph (1) of section 48103(7) of title 49, United States Code, is amended to read as follows:

SEC. 7. AIR NAVIGATION FACILITIES AND EQUIPMENT. (d) In General.—Paragraph (1) of section 48103(7) of title 49, United States Code, is amended to read as follows:

SEC. 8. RESEARCH, ENGINEERING, AND DEVELOPMENT. (a) In General.—Paragraph (1) of section 48103(7) of title 49, United States Code, is amended to read as follows:

SEC. 9. FEDERAL AIRPORT ASSISTANCE AUTHORITY. (b) In General.—Paragraph (1) of section 47107 of title 49, United States Code, is amended by striking “January 1, 2010,” and inserting “April 1, 2010.”

SEC. 10. FEDERAL AIRPORT SECURITY AUTHORITY. (a) In General.—Paragraph (1) of section 47107 of title 49, United States Code, is amended by striking “January 1, 2010,” and inserting “April 1, 2010.”

SEC. 11. FEDERAL AIRPORT OPERATIONS AUTHORITY. (a) In General.—Paragraph (1) of section 47107 of title 49, United States Code, is amended by striking “January 1, 2010,” and inserting “April 1, 2010.”

(c) Section 49108 of title 49, United States Code, is amended by striking “December 31, 2009,” and inserting “March 31, 2010.”

(h) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 41709 note) is amended by striking “January 1, 2010,” and inserting “April 1, 2010.”

(i) Section 186(d) of such Act (117 Stat. 2518) is amended by striking “January 1, 2010,” and inserting “April 1, 2010.”

(j) The amendments made by this section shall take effect on January 1, 2010.
jurisdiction of the Transportation and Infrastructure Committee, led by my good and close friend, Chairman Oberstar. All of those provisions were passed by this body in a similar bill that extended these expiring tax provisions. If we fail to act on this bill, Mr. Speaker, it will be the first time in history that, if we do not act on this bill, the trust fund will lose the revenue that we need for airport construction and the air traffic control system.

I hope all of my colleagues will join me in supporting this good and necessary bill. I reserve the balance of my time, Mr. Speaker.

Mr. TIBERI. Mr. Speaker, I yield myself as much time as I may consume.

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

Mr. TIBERI. Mr. Speaker, I rise in support of H.R. 4217.

Mr. Speaker, this is a straightforward bill, one that will provide a 3-month extension of various excise taxes that support the Airport and Airway Trust Fund, as well as the trust fund's expenditure authorities. These taxes and authorities are currently scheduled to expire at the end of the month, and today's legislation will permit this Congress the time it needs to consider a longer-term FAA reauthorization bill.

As the ranking member of the Select Revenue Subcommittee within the Ways and Means Committee, I am pleased that Chairman Rangel held a hearing earlier this year to examine tax issues related to the Airport and Airway Trust Fund. I certainly look forward to working with Chairman Rangel, Chairman Lewis, and all the members of our committee over the months ahead as we determine whether modifications to the financing structure of the Airport and Airway Trust Fund are warranted going forward. Ways and Means is clearly the appropriate committee of jurisdiction regarding these tax issues, and I anticipate working with other Ways and Means members of both parties to ensure that our committee continues to shape FAA reauthorization as it proceeds forward.

I would note for my colleagues that under the Congressional Budget Office baseline, expiring excise taxes that are dedicated to a trust fund are assumed to be extended at current rates for budgeting purposes. Consequently, the Joint Committee on Taxation is expected to score H.R. 4217 as having no revenue effect, just as it has with similar short-term extensions of FAA taxes in the past. While many Members on our side of the aisle would argue that the Congressional Budget Office and Joint Tax should make the same assumption about expiring tax relief as well, that is a bigger debate for another time. It is important to us we extend the current FAA excise taxes on a temporary basis, and I'm pleased to join with my colleagues on the other side of the aisle in support of this legislation today.

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

Mr. LEWIS of Georgia. Mr. Speaker, I am pleased to yield 3 minutes to the gentlemen of the Aviation Subcommittee, my good friend, Mr. Costello.

Mr. COSTELLO. Mr. Speaker, I rise in support of H.R. 4217, Fiscal Year 2010 Federal Aviation Administration Extension Act. I want to thank Chairman Rangel and Ranking Member Camp as well as Chairman Oberstar and Ranking Member Mica and Mr. Petri for bringing this to the floor today.

The FAA has been operating under a string of short-term extensions for over 2 years, since the last FAA reauthorization bill expired. Short-term extensions and uncertain funding levels can be disruptive to the aviation industry and to communities because they do not allow them to plan for long-term growth. Every month that goes by without a long-term FAA authorization is a lost opportunity to improve aviation safety, security, and to create and maintain jobs around the country. The House passed Mr. Costello's bill and passed H.R. 915, the FAA Reauthorization Act of 2009, a 3-year authorization of the FAA programs. For several months, we have been waiting on the other body to bring a bill to the floor and to pass it. The Airport and Airways Trust Fund will expire on December 31, 2009, and the bill before us today, H.R. 4217, extends aviation taxes and expenditures authority and the Airport Improvement Program contract authority until March 31, 2010.

H.R. 4217 also provides an additional $2 billion in AIP contract authority, resulting in an annualized amount of $4 billion for fiscal year 2010. Four billion dollars for AIP is consistent with the House and Senate reauthorization bills, as well as the fiscal year 2010 concurrent budget resolution. These additional funds will allow airports to continue critical safety and capacity enhancement projects.

Congress must ensure that this extension passes to reduce delays and congestion, improve safety and efficiency, stimulate the economy and create jobs. Mr. Speaker, I urge my colleagues to support this bill.

Mr. TIBERI. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. Petri).

Mr. PETRI. In the 110th Congress, the House passed the FAA Reauthorization Act of 2007, and that legislation reauthorized FAA for 4 years. In May of this year, the House voted again to pass a comprehensive reauthorization bill, this time H.R. 915, the FAA Reauthorization Act of 2009. Unfortunately, the Senate has been unable to come to an agreement over the last two Congresses. So, for the past 2 years, Congress has passed extensions of the Federal Aviation Administration's funding and authority through the end of calendar year 2009. The latest extension expires at the end of this month, so today we're considering another extension.

H.R. 4217 would extend the taxes, programs, and funding of the FAA through March of 2010. This bill extends FAA funding and contract authority for 3 months, provides $1 billion in airport improvement funding through March 2010, extends the War Risk Insurance program, and extends the Small Community Air Service Development Program. The bill before us, H.R. 4217, will ensure that our national aviation system continues to operate until a full FAA reauthorization can be enacted.

As I've indicated many times since the passage of the House FAA reauthorization bill back in 2007, we need to pass a long-term bill so that we can meet the growing demands placed on our Nation's aviation infrastructure. Modernizing our antiquated air traffic control system and repairing our crumbling infrastructure need to be at the top of our priorities.

While I have some concerns with the House-passed bill, I look forward to addressing these issues in conference to develop bipartisan solutions on some of the more contentious provisions of the act. I urge my colleagues in the other body to complete their work on a comprehensive FAA reauthorization package in a timely fashion. And while I'm disappointed that the FAA has gone so long without a comprehensive reauthorization, I support this extension as the best alternative to keep the FAA and the National Airspace System running safely until we can take up and pass a bipartisan and bicameral bill.

Mr. LEWIS of Georgia. I reserve the balance of my time.

Mr. TIBERI. I will close by asking, again, my colleagues to support the measure. I yield back the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, I fully support H.R. 4217. Simply said, Mr. Speaker, we must make sure that the FAA remains funded. I urge my colleagues on both sides of the aisle to vote “yes” on this bill.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 4217, the “Fiscal Year 2010 Federal Aviation Administration Extension Act, Part II”.

The previous long-term Federal Aviation Administration (FAA) reauthorization act, the Vision 100—Century of Aviation Reauthorization Act (P.L. 108–176) expired on September 30, 2007. Although the House passed an FAA reauthorization bill last Congress, the Senate did not, resulting in the need for a series of short-term extension acts that, unfortunately, continues to this day.

At the outset of this Congress, the House again passed a long-term FAA reauthorization bill. On May 21, 2009, the House passed H.R. 915, the “FAA Reauthorization Act of 2009”, which reauthorizes FAA programs for fiscal years (FY) 2010 through 2012.
However, this legislation is still pending in the Senate, as the other body has been unable to complete action on a long-term FAA reauthorization bill. Given that the current authority for aviation programs expires on December 31, an extension of current law is necessary to ensure continued financing of aviation programs until a multi-year reauthorization bill can be completed. H.R. 4217 provides a three-month extension of aviation programs, through March 31, 2010. H.R. 4217 provides $2 billion in contract authority for the Airport Improvement Program (AIP) through the end of March. This $2 billion will enable airports to move forward with important safety and capacity projects. When annualized, this level of AIP funding equals $4 billion, which is consistent with both the House and Senate FAA reauthorization bills, and the FY 2010 Concurrent Budget Resolution.

The bill also authorizes appropriations for FAA Operations, Facilities and Equipment (F&E), and Research, Engineering, and Development (RE&D) programs, consistent with average funding levels of the FY 2010 House-approved appropriations bill and the Senate-approved appropriations bill.

In addition, H.R. 4217 extends the aviation excise taxes through March 31, 2010. These taxes are necessary to support the Airport and Airway Trust Fund, which funds a substantial portion of the FAA’s budget. With an uncommitted cash balance of just $251 million at the end of FY 2009, any lapse in the aviation taxes could put the solvency of the Trust Fund at risk.

In addition to extending the aviation taxes, H.R. 4217 extends the FAA’s authority to make expenditures from the Airport and Airway Trust Fund through March 2010.

To allow aviation programs to continue under the same terms and conditions as were in effect during the previous authorization period, H.R. 4217 also extends several other provisions of Vision 100.

I thank Chairman Rangel, Chairman of the Committee on Ways and Means, for introducing this measure, and for his assistance in ensuring the continued operation of aviation programs. I also thank Ways and Means Committee colleagues, Ranking Member McCa, Subcommittee Chairman Costello, and Subcommittee Ranking Member Petri, for working with me on this critical legislation.

I strongly urge my colleagues to join me in supporting H.R. 4217.

Mr. LEWIS of Georgia. With that, Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. LEWIS) that the House suspend the rules and pass the bill, H.R. 4217.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NO SOCIAL SECURITY BENEFITS FOR PRISONERS ACT OF 2009

Mr. TANNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4218) to amend titles II and XVI of the Social Security Act to prohibit retroactive payments to individuals during periods for which such individuals are prisoners, fugitive felons, or probation or parole violators.

The Clerk read the title of the bill. The text of the amendment follows:

H.R. 4218

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 "No Social Security Benefits for Prisoners Act of 2009.

SEC. 2. PROHIBITION OF RETROACTIVE TITLE II AND TITLE XVI BENEFITS TO PRISONERS, FUGITIVE FELONS, AND PROBATION OR PAROLE VIOLATORS.

(a) AMENDMENTS TO TITLE II.—Section 204(a)(1)(B) of the Social Security Act (42 U.S.C. 404(a)(1)(B)) is amended—

(1) by striking "(B) With" and inserting "(B) Subject to clause (ii), with;", and

(2) by adding at the end the following:

"(ii) No payment shall be made under this subparagraph to any person during any period for which monthly insurance benefits of such person—

"(I) are subject to nonpayment by reason of section 202(x)(1), or

"(II) in the case of a person whose monthly insurance benefits have terminated for a reason other than death, would be subject to nonpayment by reason of section 202(x)(1) but for the termination of such benefits, and did not receive any payment until section 202(x)(1) no longer applies, or would not otherwise apply in the case of benefits that have terminated.

"(iii) Nothing in clause (ii) shall be construed to limit the Commissioner's authority to withhold amounts, make adjustments, or recover amounts due under this title, title IV, or title VIII that would be deducted from a payment that would otherwise be payable to such person but for such clause."

(b) AMENDMENTS TO TITLE XVI.—Section 1631(b) of such Act (42 U.S.C. 1396b(b)) is amended by adding at the end the following new paragraph:

"(f)(A) In the case of payment of less than the correct amount of benefits to or on behalf of any individual, no payment shall be made to such individual pursuant to this subsection during any period for which such individual—

"(i) is not an eligible individual or eligible spouse under section 1611(e)(1) because such individual is an inmate of a public institution or is confined to a correctional or jail facility; or

"(ii) is not an eligible individual or eligible spouse under section 1611(e)(4), until such person is no longer considered an ineligible individual or ineligible spouse under section 1611(e)(1) or 1611(e)(4).

"(B) Nothing in subparagraph (A) shall be construed to limit the Commissioner's authority to withhold amounts, make adjustments, or recover amounts due under this title, title II, or title VIII that would be deducted from a payment that would otherwise be payable to such individual but for such subparagraph.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective for payments that would otherwise be made on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. TANNER) and the gentleman from Texas (Mr. SAM JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. TANNER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks in order to limit the remarks to H.R. 4218.

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

There was no objection. Mr. TANNER. Mr. Speaker, I yield myself such time as I might consume.

Mr. JOHNSON and I bring this bill to the floor today. It’s a stopgap measure, Mr. Speaker. The Social Security Act already prohibits payment of Social Security and SSI benefits to individuals in prison and to those who are fleeing to avoid prosecution, custody, or confinement for a felony. The law also prohibits payments to individuals violating a condition of parole or probation. However, payments of retroactive benefits owed to such individuals are not currently barred by law, and this ensures that retroactive benefits are treated the same as monthly benefits.

The need for this law to be done quickly is because of a recent court determination that the Social Security Administration’s implementation of this prohibition for those fleeing prosecution or imprisonment was applied too broadly. Without this legislation, the Social Security Administration will be obligated under court order to make payments to some of these individuals as early as next week.

What Mr. JOHNSON and I wanted to do was to bring this bill today and pass it so we can get it to the Senate and give some guidance to the Social Security Administration in this regard.

Mr. Speaker, with that, I reserve the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Speaker, the point of this bill is simply that Social Security and Supplemental security income benefits should not be paid to prisoners, probation, or parole violators or fugitive felons. That is why I joined the Ways and Means Committee and cosponsored this bill with Mr. TANNER, who is great about looking into these things, and we cosponsored this bill. And I ask all of my colleagues to support it.

This stopgap measure addresses a glitch in the current law discovered when Social Security began to implement a nationwide class-action settlement agreement reached in September in the case of Martinez v. Astrue. That agreement reduced the number and type of felony arrest warrants used to prohibit benefit payments, resulting in retroactive payments to certain recipients.

For the first phase of settlement implementation, notices will be issued beginning this week to 28,000 individuals. Of these, Social Security recently identified 150 as prisoners.

Current law already prohibits prisoners, fugitive felons, or parole/probation/parole violators from receiving benefits. The same law should apply to retroactive benefits as well but right now
it doesn’t. That is why we need to pass this bill. If we don’t, prisoners eligible for payments from before they were in jail may soon receive a lump sum retroactive check, some covering back benefits over 3 or 4 years.

Thank in large part to the work of my Ways and Means colleague, WALLY HERGER, those with outstanding felony arrest warrants, known as fugitive felons, have not been able to receive supplemental security income, Social Security, or Social Security disability benefits.

According to the Office of the Inspector General, their data-sharing efforts with local, State, and Federal law enforcement agencies contributed to over 83,000 arrests since the program’s inception in 1996. While well-intentioned, the Martinez settlement nevertheless requires Social Security to pay benefits that had been suspended. And as a result, taxpayers are now on the hook for millions of dollars. We can and we must do better.

I look forward to working with Chairman TANNER to right this wrong and draft legislation to suspend payments for those fugitives wanted for the most heinous crimes while permitting inmates who were good cause exemptions make sense.

I reserve the balance of my time.

Mr. TANNER. I reserve the balance of my time.

Mr. SAM JOHNSON of Texas. At this time, I’d like to recognize and yield to my good friend Chairman TANNERS, a member of the Ways and Means Committee and one of our staunch allies, as much time as he may consume.

Mr. HERGER. I thank my good friend from Texas.

I rise today to discuss an issue I have been involved with for many years.

The landmark 1996 welfare reform included legislation I drafted that denies fugitive felons who are on parole and have probation all Social Security disability benefits. GAO long recognized that SSA programs have continued to pay millions while the authority it already has to make good cause exemptions as appropriate.

As the legislation before us suggests, many of those made eligible for disability payments under the recent law continue to break the law and can and do wind up in jail, costing taxpayers thousands of dollars.

I look forward to the Inspector General’s response to our inquiry so that Congress can determine the best way forward to improve this important program and prevent the misuse of taxpayer dollars while protecting those who truly merit relief.

Let’s stop these payments from going to prisoners today, and then keep working to ensure the right people are getting the right benefits and that taxpayer dollars are spent wisely to help only those truly in need.

Mr. TANNER. Mr. Speaker, I want to thank MR. JOHNSON for working with us on this issue.

I yield back the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Guan (Ms. CASTOR) that the House suspend the rules and agree to the resolution, H. Res. 845, as amended, on which the yeas and nays were ordered. The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlemanwoman from Guam (Ms. CARDOSO) that the House suspend the rules and agree to the resolution, H. Res. 845, as amended.

This will be a 15-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 25, as follows:

RECOGNIZING THE AIR FORCE AND DYESS AIR FORCE BASE ON ACHIEVING ENERGY SAVINGS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 845, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlemanwoman from Guam (Ms. CARDOSO) that the House suspend the rules and agree to the resolution, H. Res. 845, as amended.

This will be a 15-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 25, as follows:

YEAS—409

Ackerman Carter Fattah
Aderholt Castile Flake
Adler CFLH Fleming
Alexander Chaifetz Forbes
Altman Chandler Foxx
Andrews Chao Fraziers (MI)
Arizona Cleaver Franks (AZ)
Bachmann Clay Frelinghuyzen
Baucus Clyde Freudenberg
Baurd Coble Fudge
Barrow Coffman (CO) Garamendi
Barton (TX) Cohen Garrett (NJ)
Bean Cole Gergle
Becerra Conaway Giffords
Berkley Cornelius (VA) Ginsburg (WA)
Berry Costello Gohmert
Bergert Costello Green (Ala)
Berryl Courtney Grijalva
Bilirakis Crenshaw Grayson
Bishop (NY) Crowley Green, Al
Bishop (UT) Cuellar Green, Gene
Blackburn Culhensen Griffith
Blumenauer Cummings Guthrie
Bocciari Dahlkemper Gutierrez
Boehner Davis (CA) Hall (NY)
Bonner Davis (FL) Hall (TX)
Boozman Davis (KS) Halvorson
Boren Davis (TN) Hare
Boren Deal (GA) Harmon
Boston DeFazio Hargans
Boswell DeGette Harris (MI)
Boustany DeLauro Hastings (FL)
Boyd Delahunt Hastings (WA)
Brady (PA) Delaney Heinrich
Brady (TX) Delaney Hecht
Braley (IA) Diaz-Balart, L. Henry
Brown (SC) Diaz-Balart, M. Hefner
Brown, Corrine Dickson Herseth Sandlin
Brown-Waite, Ginny Dingell Higginson
Carter Donggi Donnelly (IN)
Buchanan Doyle Himes
Burns Dreier Hindman
Burton (IN) Dreier Hinojosa
Butlerfield Duncan Hirose
Byrne Edwards (MD) Holden
Calverz Edwards (TX) Holt
Camp Ellison Honda
Campbell EllisonHonda
Cantor Ellisworth Hoyer
Cao Emerson Hunter
Cappo Ellison Inglis
Capsman Ellison Inslee
Carnahan Ellison Israel
Carson (IN) Ellis Saltz
Carson (NM) Eliot Sensenig
H. Res. 907, by the yeas and nays.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 845, by the yeas and nays;
H. R. 2278, by the yeas and nays;
H. Res. 915, by the yeas and nays;

December 8, 2009
A motion to reconsider was laid on the table.

REQUESTING REPORT ON ANTI-AMERICAN INCITEMENT TO VIOLENCE IN THE MIDDLE EAST

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2278, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. Costa) that the House suspend the rules and pass the bill, H.R. 2278, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 395, nays 3, yeas 392, nays 1, yeas 393, nays 3, yeas 392, nays 3.

The result of the vote was announced as follows:

[Roll No. 936] YEA—395

Schwartz (GA) 161

The Speaker announced the result of the vote, which was to suspend the rules and pass the bill, H.R. 2278, as amended.

Not Voting—25

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.
ENCOURAGING HUNGARY TO RESPECT THE RULE OF LAW

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 915, on which the yes and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. Engel) that the House suspend the rules and agree to the resolution, H. Res. 915.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yes 333, nays 74, answered “present” 3, not voting 21, as follows:

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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COSTA) announced the result of the vote as above recorded.

A motion to reconsider was laid on the table.

The result of this vote was announced as above recorded.

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

I was pleased that the mayor of Fresno, CA is one of five U.S. mayors invited to participate today, and that the White House will have to prepare for the devastating impacts of the drought. On Tuesday of this week, the California Department of Water Resources announced an allocation for water deliveries to two-thirds of Californians at 5 percent of contracted totals. For your reference, this is the lowest allocation in the state in recent history.

JOBS BILL

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

Mr. COSTA. Madam Speaker, I rise today to discuss the importance of jobs and our economy, and the importance of preventing Americans back to work to really spur the economic growth that I think we all desire.

I was pleased that the mayor of Fresno last week was one of the five mayors who participated in the jobs forum in the White House since she and I represent a region that has suffered severe economic hardships, including a drought, a devastating drought, that has impacted much of the San Joaquin Valley and other aspects of California, the collapse of the dairy market, and the precipitous drop in housing markets that has put housing and foreclosures of the utmost concern. We need to do everything we can to invest in our infrastructure and transportation, schools, and water.

California is in the midst of a water crisis, and I urge the administration to use all of the flexibility within its power to get water flowing for next year’s growing season to allow tens of thousands of hardworking farmworkers, farmers, to return to work, to put food on America’s dinner table. Water equals jobs, equals food. That’s what we need to do. I’d like to submit a letter for the RECORD that I wrote to the President concerning this crisis.
with The American Association of State Highway and Transportation Officials (AASHTO) regarding infrastructure investment. They identified 120 ready-to-go high-speed projects worth $4 trillion worth of investment in our highways will put people back to work immediately, and improve transit in the San Joaquin Valley.

In addition to the increased focus on high-speed rail, the $1 trillion investment in our highways will put people back to work immediately, and improve transit in the San Joaquin Valley. Top economists have indicated that direct investment in infrastructure projects is the best way to create jobs and stimulate the economy. The short-term and long-term economic impacts of a high-speed rail system would be tremendous for the economy. Construction of the system is estimated to generate almost 300,000 jobs, and following construction, the system will provide 450,000 permanent jobs in California. These jobs will have a huge ripple effect into other areas of California’s economy such as the service and manufacturing industries. Overall, for every dollar spent on this system, we will see two dollars in return. I urge you and Secretary LaHood to approve California’s Track 2 application for federal high-speed rail funds, and be bold and smart when this funding is announced next year.

Thank you for your consideration of these requests, and I look forward to continuing to work with your administration to bring jobs and long-term economic growth to California’s San Joaquin Valley.

Sincerely,

Jim Costa,
Member of Congress.

THE ‘TREAT TERRORISTS NICE GANG’ AND THE NAVY SEALs

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

Mr. POE of Texas. Madam Speaker, Navy SEALs were in court yesterday accused of punching a terrorist. The SEALs are Matthew McCabe, Jonathan Keefe, and Julio Huertas. In a nighttime raid last September, they were part of SEAL Team 10 that captured the most wanted terrorist in Iraq.

Ahmed Hashim Abed planned the barred ambush of four Blackwater security guards in 2004. Madam Speaker, the Americans were murdered. They were drug through the streets, mutilated, burned, and hung from a bridge in Fallujah. During the public executions, our enemies cheered in front of news cameras. Abed didn’t say he was bayedally assaulted until he was turned over to Iraqi authorities, however. The al Qaeda manual tells members when captured to complain of torture and mistreatment; it doesn’t matter if it’s true or not. And besides killing, these folks are thieves. No SEALs were being court martialed on the word of a braggadocious murderer.

Al Qaeda has learned to play the “Treat Terrorists Nice Gang” like useful misfits. One word from a killer and the accusers become the accused. The military is the terrorist for hire and give the SEALs medals for capturing him.

And that’s just the way it is.

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. FUDGE). Under the Speaker’s announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extentions of Remarks.

IT’S TIME FOR A NEW ATTITUDE DOWNTOWN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Madam Speaker, America’s infrastructure is in an extraordinarily sad state of disrepair, in fact, endangering and killing Americans. We need a new attitude in terms of rebuilding our infrastructure and bringing it up to a state of good repair at the White House.

There seems to be some reluctance. The President said after his jobs summit that he just had to admit that shovel ready wasn’t always shovel ready, and he seemed to be referring to infrastructure. But actually, the infrastructure money is already 60 percent spent and underway and the other 40 percent will be obligated before spring to begin to catch up with that deficit. Now, the Department of Energy has already spent about 8 percent of their money; HUD, I don’t know if they’ve spent any of it. There are all sorts of fantasy programs out there that were in the stimulus where money hasn’t been spent.

Ahmed Hashim Abed planned the barred ambush of four Blackwater security guards in 2004. Madam Speaker, the Americans were murdered. They were drug through the streets, mutilated, burned, and hung from a bridge in Fallujah. During the public executions, our enemies cheered in front of news cameras. Abed didn’t say he was bayedally assaulted until he was turned over to Iraqi authorities, however. The al Qaeda manual tells members when captured to complain of torture and mistreatment; it doesn’t matter if it’s true or not. And besides killing, these folks are thieves. No SEALs were being court martialed on the word of a braggadocious murderer.

Al Qaeda has learned to play the “Treat Terrorists Nice Gang” like useful misfits. One word from a killer and the accusers become the accused. The military is the terrorist for hire and give the SEALs medals for capturing him.

And that’s just the way it is.

effect. They were buying new buses because their buses are decrepit. People who build buses were getting good wages. The people who build things to go on buses—tires, brakes, all that because of “Made in America” they were getting jobs, too. So actually, the short-run story was the military doing their system up to a state of good repair, and they can spend that money very quickly with a huge multiplier effect. Why can’t the economic team at the White House understand that? Their pointy-head theories about oh, infrastructure takes so long and it doesn’t have a good multiplier, unlike giving people a little bit of money in withholding—or green grid, whatever that is, where a penny hasn’t been spent. Somehow this is just too old school for them, fixing up the country put the work, manufacturing and construction jobs.

We have 160,000 bridges on the Federal system that should be posted. The American people should see a big sign saying, “Danger, the bridge over which you are about to drive, is too lightweight, structurally deficient, or functionally obsolete.” One hundred sixty thousand bridges. Now, if we began a program to replace those, it doesn’t take long, look how quickly we replace the bridges. It doesn’t require lengthy environmental impact statements or planning, it’s replace and fix the bridges, it’s concrete, it’s steel, it’s workers, it’s aggregate, it’s made in America. You can’t export those jobs.

But somehow the people on the President’s economic team don’t get that, or maybe from the back seat of their limousines they can’t see that the bridges and the infrastructure are deteriorating and they aren’t on the creaky public transit systems that are falling apart and here in D.C. killing people because the infrastructure is so outmoded and so substandard.

It is embarrassing for the greatest nation on Earth to be devolving toward a fourth-world infrastructure—we’re not even third world. We are investing less of our GDP in our infrastructure than are many third-world countries. We are formerly first world, formerly unchallenged, and we aren’t even on the creaky public transit systems that are falling apart and here in D.C. killing people because the infrastructure is so outmoded and so substandard.

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THE COST OF WAR IN AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Madam Speaker, I follow the gentleman from Oregon (Mr. DeFazio) with his statement, but I agree as well. Mine is a little different, though. It is the cost of war in Afghanistan. My concern is, as the President has decided to send 30,000 additional troops to Afghanistan, I join my colleagues, and BARBARA LEE from California, in saying that we should debate this policy on the floor of the House.

I am one that is very upset that this Nation, since World War II, we never declare war anymore, we just pass resolutions on the floor and we give the President, whether it be a Republican or Democrat, the authority to make decisions to go ahead and send troops into certain areas.

I disagree with Mr. Obama, the war should have always been Afghanistan and we should not have gone into Iraq, but that is history now. The problem is we are 9 years after we went into Afghanistan and now we are trying to catch up for the 8 years we spent in Iraq.

Down in Camp Lejeune, which is in my district, the Third District of North Carolina, the day that Mr. Obama made the announcement that we would send additional troops to combat in Afghanistan, I want to read, Madam Speaker, just a few comments that were in the Jacksonville paper—again, that is the home paper for Jacksonville, North Carolina and, again, the home of Camp Lejeune Marine Base.

"With White House officials saying that President Obama will order about 30,000 more troops, including a brigade of marines from Camp Lejeune, into combat in Afghanistan, local military are reacting to the news with skepticism and concern."

Further down in the article, it says:

"Marine Sergeant Doug Copeland, who is scheduled to deploy with his 1st Battalion, 5th Marines in October, said he approved of the troop surge as a means to assist troops already on the ground, but believed a date for leaving the country was coming too late. "We should have dealt with Afghanistan in the first place," Copeland said. "We've already been in this war for 7 or 8 years. We've got to call it quits. Our country needs to focus on our country now."

"That is exactly what Mr. DeFazio was saying. This country is in bad financial shape, we are losing jobs every day, and what we need to do is concentrate on this country itself.

I will read just another comment, Madam Speaker:

"HM2 Cagney Noland, a corpsman currently with Combat Logistics Regiment 27, said he doubted the proposed timeline would see troops out of Afghanistan."

Madam Speaker, the number of our troops with PTSD, with TBI, and with mental depression and anxiety is growing each and every day. Again, I have gotten to know many of the marines down at Camp Lejeune, from privates all the way up to generals. They will go and fight for this country, they want to do everything they can to defend this country and they will give their life, but we need to take into consideration the stress that we are putting on these troops.

There is another article I want to make brief reference to that was in the New York Times on December 3 by Nicholas Kristof. It’s called, "Johnson, Gorbachev, Bush: In January, is it the Vietnam War, it is about the Russians involved in Afghanistan, and now Mr. Obama’s decision.

I am not trying to second-guess the President. He’s got a very difficult job, and I wish him well. In fact, I was one of the few Republicans that thanked him for taking his time before he decided what the solution should be or what the strategy should be for Afghanistan. Madam Speaker, I think that we as a Congress should debate the policy.

I said this just a moment ago, and I would like to say it again, I joined BARBARA LEE in a letter to the Speaker of the House asking the Speaker of the House to please let us debate the policy of what we should be doing in Afghanistan before we pass any type of supplemental to financially support the troops. So, therefore, it is my hope that maybe in January or February of 2010 we will be granted a debate on the floor, whether it be for sending more troops to Afghanistan or fewer troops to Afghanistan, and we will come closer to meeting our constitutional responsibility than we have done, truthfully, since World War II.

Madam Speaker, I would like to close as I always do. I have signed over 8,000 letters to families and extended families and I have conscience guilt that I ever voted to give President Bush the authority to send troops to Iraq. That is my pain that I’ve lived with, and writing the letters and signing the letters to the families is my way of saying I’m sorry that I did not meet my constitutional responsibility and vote my conscience on the floor of this House.

With that, Madam Speaker, I would like to close these brief comments by acknowledging men and women in uniform, ask God to please bless the families of our men and women in uniform, and ask God to please, in his loving arms, hold the families who have given a child dying defense. I have written letters and I would like to ask God to please give the House and Senate strength to do what is right for the next generation. I would like to ask God to give strength and wisdom and courage to the President as he goes out to generals. They will go by asking three times, God please, God please, God please continue to bless America.

RETURN TO JOB GROWTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. CONNOLLY) is recognized for 5 minutes.

Mr. CONNOLLY of Virginia. Madam Speaker, in our ongoing efforts to stabilize the economy and ensure a return to prosperity, our focus must remain fixed on the saving and creation of American jobs. The actions of this administration and this Congress have shown progress. Job losses fell dramatically, and the unemployment rate dropped from 9.7 percent in November from 10.2 percent to 10 percent.

The recession began in 2007 and has been the worst since World War II. Unemployment hit a 26-year high, consumer confidence plummeted, the gross domestic product contracted at near unprecedented levels, the stock market plunged, home prices tumbled and foreclosures skyrocketed, and millions of Americans found themselves out of work.

Monthly job losses continued to worsen each month. In September of 2008, the monthly losses were more than 300,000. By December of 2008 and January of 2009, in the waning days of the Bush administration, job losses exceeded 700,000. And in January of 2009, the number of monthly job growth was just 200,000.

As this Congress and the Obama administration took office in January, we were facing a job market in free fall. We immediately took action on a number of fronts.

The Recovery Act provided critically important investments, saving or creating 1.7 million jobs so far. States and localities faced with growing budget deficits would have been forced to lay off hundreds of thousands of teachers, police and fire fighters, but the Recovery Act saved those jobs, including, in my district, 404 teachers in Fairfax County and 304 in Prince William County. The Recovery Act created thousands of additional jobs in road construction, clean energy, and medical research. Businesses in my district received at least 265 contracts, grants, and loans, totaling almost $200 million, thanks to the Recovery Act. They have had a noticeable impact.

The employment rate in my district began to fall in advance of the national rate, declining in October from 5.3 to 5.2 percent in Prince William County, and from 4.7 to 4.5 percent in Fairfax County, half the national average.

The House of Representatives authorized the COPS program, which will add 50,000 police officers nationwide. The 21st Century Green Schools Act and the Student Aid and Fiscal Responsibility Act invested billions of more dollars to modernize public

December 8, 2009

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CONGRESSIONAL RECORD — HOUSE
schools and community college campuses, creating tens of thousands of new construction jobs. The American Clean Energy and Security Act creates incentives for new research and development, creating thousands of new job opportunities related to the production of advanced batteries, wind turbines, solar power, and other sustainable technologies. In addition, Madam Speaker, we passed a number of bills to spur small business job creation through tax incentives and employment tax credits for our veterans.

Ultimately, for sustainable job growth, the private sector must feel comfortable to return to hiring employees. Large companies will not expand while the value of their firm drops. Small companies will not expand while the owners’ assets are disappearing. And those assets did drop. From its high of over 14,000 in October of 2007, the Dow Jones Industrial Average began a precipitous decline to just over 6,000 in March of this year. Since then, thanks to our actions, the market has recovered more than 50 percent.

Companies will not expand while consumer confidence declines, and it did decline to 25 points in February of this year, the lowest level since the conference board’s inception in 1967. Since then, we’ve taken actions to improve consumer confidence and it has continued to improve, hitting 48.7 in October, almost doubling.

Companies will not expand, Madam Speaker, while the national economy is contracting, and it did indeed contract, starting in the third quarter of 2008. It declined an astounding 6.3 percent in the fourth quarter and 5.7 percent in the first quarter of 2009, but our actions have helped. GDP increased 2.8 percent in the third quarter of 2009 and continues to grow this quarter as well.

This February, the horrific pace of job losses eased. Job losses in May fell to 300,000. In August through October, they averaged 135,000 a month. In November, just 11,000 jobs, net, were lost in the American economy, continuing to contribute to the decline in the unemployment rate.

Madam Speaker, we’re not out of the woods just yet. Millions of Americans are still out of work. But we’ve started to turn the economy around. We’ve begun to stabilize the stock market, the housing sector, and the GDP. Madam Speaker, we’ve begun to create conditions for job growth, and now we must partner with the private sector to ensure that millions of Americans can return to work.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. DICKS) is recognized for 5 minutes.

(Mr. DICKS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CONGRATULATIONS TO THE REDMEN OF SMITH CENTER HIGH SCHOOL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Madam Speaker, on the Kansas prairie, in a small town named Smith Center, an exceptional tradition has been built and maintained over the course of decades. The Redmen of Smith Center High School have achieved great things on the football field.

There are few, if any, high school football fans in Kansas who are unaware of Smith Center’s reputation. The parents and boosters of Smith Center High School have watched with pride as their sons bested opponents on the gridiron in 79 consecutive contests. Coach Roger Barta and his Redmen football team have won over 300 games in the past 32 seasons. They’ve racked up eight State championships, five of them in a row.

Smith Center was on the longest active 11-man high school football winning streak in the Nation. The streak was snapped in the Kansas State 2-1A championship two weeks ago. Every player on the Redman football squad, from freshman to senior, experienced their first high school defeat at the hands of the Centralia High School Panthers. It was a heartbreaking loss for an extraordinary group of boys.

I had the opportunity to participate in several pregame coin flips over the past few seasons, including this year’s State title game. Each time I witnessed a very talented football team with a very spirited group of fans. Yet, all the success the team has enjoyed on the field has never been what makes them so remarkable. Football is just what attracts notoriety and our applause. It’s the building of character and integrity that matter in Smith Center. Following their first loss in 6 years, Coach Barta reminded his players, “We’ve never judged ourselves on wins and losses.”

The truly exceptional work being done on the plains of Kansas is the development of character in the boys of the Smith Center football team and the students of Smith Center High School. It is the respect each athlete is taught by their coaches. It’s the insistence of integrity instilled upon by their teachers. It’s the values instilled in each son by their parents and community.

Joe Drape, a New York Times Sports writer, recently authored a book entitled, “Our Boys: A Perfect Season on the Plains with the Smith Center Redmen.” In his book, Mr. Drape extols the virtues we, in rural America, hold dear. Humility, sacrifice, unwavering commitment, all are characteristics that are exemplified by the Redmen and their fans. Additionally, as I was advanced battery for our veterans. After the State title game, this is the only team that year after year, every game, they gather on the field, hold hands, and a prayer is offered by one of the coaches or one of the players on the team.

Redmen football is what received the attention, but behind the scenes is where the most impressive and longest lasting accomplishments are discovered. Football is simply a teaching tool used by the community. Coach Barta was quoted in the book as stating, “None of this is really about football. What we’re doing is sending kids into life who know that every day means something.”

This attitude exemplifies the teaching, coaching, and parenting philosophy of rural America. Our population may be dwindling and our communities aging, but our commitment to raising good children and preparing them for life after high school is something that will never diminish. School pride is important to a community, but it pales in comparison to the role a teacher, coach, or parent plays when he or she helps a child succeed. I’m thankful that Coach Barta and his staff understand this, and I’m thankful to come from a part of the country that understands this.

Congratulations to the Smith Center Redmen, their football team, for their remarkable success, and thanks to the team, the community, and the school that are such great ambassadors for our way of life on the plains of Kansas.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HONORING THE LIFE OF REAR ADMIRAL DAVID M. STONE, USN (RETI.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SESTAK) is recognized for 5 minutes.

Mr. SESTAK. Madam Speaker, I rise to honor and mourn the loss of a great American. Rear Admiral David M. Stone, United States Navy (Retired) recently passed away, and as a result, we are a lesser Nation. He was a proud son of Illinois, not the Commonwealth of Pennsylvania, my State, but I am compelled to see that the achievements of this remarkable man are forever captured in the record of our proceedings because Dave Stone was my shipmate. We graduated from the United States Naval Academy in 1974 and served together as fellow Surface Warfare Officers at sea and ashore for nearly three decades. In the course of those years, I witnessed Dave Stone consistently offer our Nation all of his enormous talent and energy. At the Academy, he led Navy’s basketball team with an unmatched passion and competitive spirit.
Madam Speaker, I ask that we pause to reflect upon the many contributions Admiral Dave Stone made to our country and the world and to thank Faith Stone for inspiring her husband to serve us all so proudly. Through the pain and frustration of losing this brave, kind, wise, beloved, and respected Dave is comforted by the fact that today, there are countless Midshipmen at Annapolis who will follow his example and seek to model their life on his legacy. Therein lies the greatness of the United States Navy and our Nation and our shipmate and classmate, Dave Stone.

DEMOCRACY IN HONDURAS
The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. ROS-LEHTITEN) is recognized for 5 minutes.

Ms. ROS-LEHTITEN. Madam Speaker, following the antics of Zelaya, Chavez, and Ortega, there were growing concerns over the ability of free people in the Western Hemisphere to defend democratic principles and institutions against the assaults of these and other oppressors belonging to ALBA. However, the United States government’s greatest and most impressive post-9/11 achievement was declared to be the rule of democracy and the rule of law demonstrated by the people of Honduras as they reasserted our optimism about the future of freedom and the consolidation of democracy in our region.

Last March, the Honduran National Congress voted decisively to reject Manuel Zelaya’s return to office. The Supreme Court made the same ruling months ago, and now it is final. The Honduran Supreme Court, the Attorney General, the National Commission for Human Rights, and the Honduran General Accounting Office were all consulted prior to this congressional vote and unanimously rejected Zelaya’s return.

The United States has accepted the decision as a matter left to the discretion of the national Congress, and even some of Manuel Zelaya’s strongest supporters inside Honduras have finally publicly stated that their mission is no longer publicly focused on his resolution.

The writing is on the wall, Madam Speaker. The people of Honduras are ready to write the post-Zelaya chapter of their nation’s history. The newly elected President, Porfirio Lobo Sosa, has already taken steps to help bring national reconciliation to Honduras. Last week, he began meeting with individual brokers of the Honduran government and society to discuss long-term goals for the future and stability of Honduras, and he has already warned Chavez not to intervene with Honduras’ sovereignty.

As such, the U.S. must immediately restore all assistance, particularly counter narcotics cooperation, to Honduras. Visas and other non-security-related assistance must also be reinstated.

Today, Honduran President-elect Lobo travels to San Jose to meet with President Oscar Arias. Tomorrow he will meet with Panamanian President Ricardo Martinelli in Tegucigalpa. Also on Thursday, Lobo will visit the Dominican Republic to meet with President Leonel Fernandez.

Meanwhile, Zelaya stays hidden. He cannot face the truth of his transgressions. He has said, “As long as I have Brazil’s support, I will be here.” Well, Brazil, the OAS and any other country or body should not help him be so cowardly. The OAS should be bold up to Zelaya and the enablers of oppression so that freedom can prevail.

Regrettably, the MERCOSUR countries—which of Brazil is a member—announced during their meeting just today that they will not recognize the Honduran elections. But the Honduran people will not be deterred. They have spoken loud and clear. The Honduran people were brave enough to put their principles to the test. They looked to their Congress, they looked to their Supreme Court, and finally they looked to themselves and carried out peaceful and successful elections.

In closing, Madam Speaker, I would like to quote from Honduran President-elect Lobo, who perhaps best summarized recent developments in Honduras. Following his victory—which was resounding—he said, there were “no winners or losers, only democracy has triumphed. I am happy looking toward the future. You keep asking, ‘And Zelaya?’ Zelaya is history, he is part of the past.”

Madam Speaker, may democracy and freedom continue to triumph in the hemisphere and throughout the world. Thank you for the time.
REQUIRE THE PRESIDENT TO WITHDRAW FROM AFGHANISTAN AND PAKISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KUCINICH) is recognized for 5 minutes.

Mr. KUCINICH. Madam Speaker, this morning I stood before this House and pointed out that The Nation magazine did an investigation that showed that U.S. tax dollars were going to U.S. contractors who then gave the Taliban money, and the Taliban would attack a shipment of U.S. goods to U.S. troops. And of course U.S. troops would use those resources to attack the Taliban.

The war in Afghanistan is a racket. We have a strategy to pay off insurgents, warlords, the Taliban, in pretending that somehow this practice is going to help make an already corrupt central government more stable. I have been in this House now for seven terms, and I have seen the slow and steady erosion of the Constitution of the United States and, in particular, congressional authority with respect to article 1, section 8 of the Constitution, which very explicitly puts the power to create war in the hands of the United States Congress, not in the hands of the executive.

When the Founders crafted the Constitution, they were very clear that they did not want a monarchy. They wanted to what was called "restrain the dangers of war" by placing the power to commit men and women into combat in the hands of an elected Congress, in this case in the hands of the House of Representatives. Unfortunately, over a few generations, we have seen that power of Congress erode.

Today, according to ABC News, Hamid Karzai, the President of Afghanistan, in a joint press conference with Secretary of Defense Robert Gates, said that his country’s security forces will need training and training assistance from the United States for the next 15 to 20 years.

Now, since we’re already spending at least $100 billion to $150 billion a year in Afghanistan, we are now committed, through Mr. Karzai, we’re embarked on a strategy that could lead us to spend $2 trillion, maybe more.

We’ve had speakers precede me today who have talked about the need for jobs in the United States. We do not need to do without saying we should start taking care of things here instead of endeavoring to pour our resources into a corrupt administration, and furthermore, engage in a kind of corruption through trying to pay off warlords and even the Taliban to create shipments to our troops.

As President Obama prepares to escalate military operations in Afghanistan and Pakistan, we must restate our prerogative as it relates to war. The United States has been involved in military action—both in Afghanistan and Pakistan—since the inception of this administration despite the fact that the President has never submitted a report to Congress pursuant to section 4(a)(1) of the War Powers Resolution.

Madam Speaker, when Congress returns in 2010, I intend to bring to the floor of the House privileged resolutions reaffirming this congressional prerogative. Bills will trigger a timeline for timely withdrawal of U.S. troops from Afghanistan and Pakistan. I invoke the War Powers Resolution of 1973, and secure the constitutional role of Congress as directly elected representatives of the people under article 1, section 8 of the Constitution for Congress to decide whether or not America enters into a war or continues a war or otherwise introduces Armed Forces or materials into combat zones.

Despite the President’s assertion that previous congressional action gives him the authority to respond to the attacks of September 11, 2001, a careful reading of the authorization of military force makes clear that this authorization did not supersede any requirement of the War Powers Resolution and therefore did not undermine Congress’ ability to revisit the constitutional question of war powers at a later date.

We will have an opportunity in this House in January to vote on this issue of Afghanistan and Pakistan, and I urge my colleagues to join the resolution, which I’ll begin to circulate the notice of starting tomorrow.

Thank you.

RESOLUTION ON THE IMPORTANCE OF SCIENTIFIC INTEGRITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HALL) is recognized for 5 minutes.

Mr. HALL of Texas. Mr. Speaker, in the last few weeks there has been some very disturbing correspondence that’s surfaced and is becoming a real dilemma for the scientific community and an even greater dilemma for this Congress as the United Nations Climate Change Conference begins in Copenhagen.

As a ranking member of the Science Committee, I’m concerned about these revelations dubbed by the press as “Climate-gate” and their implication for the scientific community, Congress, and the American people. Allegations of manipulation of scientific data would be troublesome under any circumstance. The fact that the scientific data in question here is to be used as the basis for global agreement to limit greenhouse gas emissions or changes to the regulatory regime of the United States makes these allegations that much more disturbing.

I’ve presented a resolution which highlights concerns about moving forward with greenhouse gas emissions regulations or an agreement in Copenhagen on the basis of scientific data which email exchanges indicate has been manipulated, enhanced, or deleted in order to advance a political agenda. Forcing Americans to meet carbon emission reductions may worsen our high unemployment rate and slow our economy while other nations advance their own growth at our expense.

Considering the loss of confidence in the scientific process, it’s even more troubling that policymakers are pushing ahead with a scheme that could irrevocably alter our economy and our prosperity.

In the past few weeks, through the disclosure of more than a thousand emails, there is extensive evidence that many researchers across the globe discussed the destruction, alteration, and suppression of data that did not support global warming claims. These exchanges include a leading climate scientist encouraging other scientists to alter data that is the basis of climate modeling across the globe by using the “trick of adding in the real temps to each series . . . to hide the decline [in temperature].”

The U.S. National Science and Technology Council defines research misconduct as fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results.

All of this would be troubling enough on the basis that much of this research is taxpayer funded. However, it is even more troubling when one considers that this data is held up as the reason to implement new regulations and laws and potentially enter into global agreements, all in the name of reducing carbon emissions. Policymakers are asking citizens to agree to alter the economic structure of our country and possibly sacrifice jobs in the name of preserving this warming planet, even as these scientists fail to follow accepted scientific practices and seek to stifle contrary points of view.

Federal policy for addressing research misconduct requires a full inquiry and investigation of the misconduct, as well as a correction of the research record, a potential referral to the Department of Justice. I have sent a letter to the chairman of the Science Committee asking there be an investigation into these matters.

Even more troubling is that these exchanges describe attempts to silence these scientists and stifle debate in the scientific journals that publish research skeptical of significant man-made global warming and refer to efforts to exclude contrary views from publication in the scientific journals. Some scientists even encouraged the deletion of data and emails to avoid disclosure in the event of a Freedom of Information request.

All of this presents a troubling pattern of attempts not only to misrepresent the data on global warming to meet expectations of policymakers more so than the theories, but also to silence any dissenters and cover up inappropriate data manipulation.

The emails show that raw data not meeting the expectations of the scientists or showing a pattern of warm
were altered and the raw data in question was destroyed so as to ensure no further examination. When accepted scientific practices are not followed, there can be implications well beyond the scope of the narrowly focused project. I believe that this is the situation we are facing here.

These documents reveal actions that may constitute a serious breach of scientific ethics and violation of the public trust. Certain actions appear to qualify under the definition of U.S. Federal policy on research misconduct. While this investigation is an important step, the resolution states that the United States should not consider limitations on emissions until sufficient scientific protocols and a robust oversight mechanism have been established to preclude future infringements of public trust by scientific falsification and fraud.

In addition to the economic and regulatory concerns about international climate agreements, Congress should not allow any agreement with any other country nor agree to legislation or regulatory action that will irrevocably alter our economy until we can be assured that this data which forms the basis of these laws and agreements is based on sound science obtained and maintained using traditionally accepted scientific principles. Signing an international protocol in Copenhagen, especially one based on questionable science, is un-American and will kill jobs.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. DEAL) is recognized for 5 minutes.

(Mr. DEAL of Georgia addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

**BITTER FRUIT**

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Madam Speaker, I wish everyone would listen to these words from a column in the current issue of the American Conservative magazine. This column says: ‘‘We ran Saddam out of Kuwait and put U.S. troops into Saudi Arabia, and we got Osama bin Laden’s 9/11. We responded by taking down the Taliban and taking over Afghanistan, and we got an 8-year war with no victory and no end in sight. Now Pakistan is burning. We took Iraq from the Turks and got a 7-year war and an ungrateful Iraq.

Meanwhile, the Turks who shared a border with Saddam, have done no fighting. Iran has watched as we destroyed its two greatest enemies, the Taliban and Saddam. China, which has a border with both Pakistan and Afghanistan, has sat back. India, which has a border with Pakistan and fought three wars with that country, has been ignored. The United States, on the other side of the world, plunged in. And now we face an elongated military presence in Iraq, an escalating war in Afghanistan, and potential disaster in Pakistan, and being pushed from behind into the French potato.

And then in the December 3 issue of The Washington Post, it says: ‘‘President Obama’s new strategy for combating Islamist insurgents in Afghanistan fell on skeptical ears Wednesday in next-door Pakistan, a much larger, nuclear-armed state that Obama said was ‘at the core’ of the plan and had even more at stake than Afghanistan. Analysts and residents on both sides of the 1,699-mile border expressed concerns about sending an additional 30,000 more troops into Afghanistan.’’

And on that same day, The Washington Post had a headline that said: ‘‘A deadline written in quicksand not stone.’’

Now, I think most Americans feel that 8 years in Afghanistan is not only enough; it’s far too long. After all, we finished World War II in just 4 years. Now under the President’s most optimistic scenario, we are going to be there for another 9 years, and we’re going to be there, we have 68,000 troops there now. They want to add 34,000 more at a cost of $1 billion per thousand per year, which means over $300 billion a year.

The Center for War Information says we’ve already spent almost a half trillion dollars in war and war-related costs in Afghanistan at this point. And then I would like to ask, Who is in charge? Because this weekend on the interview program, Secretary of State Clinton and Secretary of Defense Gates said, Well, the year and half withdrawal plan presented by the President at West Point really doesn’t mean anything, that we’re going to be there probably another 3 or 5 more years. That would bring our time there to 11 or 13 years. That is ridiculous in a country like Afghanistan, a very small country where we are fighting a very small force that has almost no money, and it was coming up, voted to send another $7.5 billion into Pakistan, and to Pakistan on top of $15.5 billion that we’ve spent since 2003 there already.

This is getting ridiculous. A country that we are sending billions and billions and billions in foreign aid to, and it’s becoming so anti-American, and they don’t appreciate this aid at all. We simply can’t afford to keep doing these ridiculous and very wasteful expenditures. And I will say again, we need to start putting our own people first once again.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. AKIN) is recognized for 5 minutes.

(Mr. AKIN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

**CLIMATEGATE**

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. OLSON) is recognized for 5 minutes.

Mr. OLSON. Madam Speaker, yesterday the U.N. climate change summit in Copenhagen, Denmark, began. The work of this summit is supported in large part by the research developed by the Intergovernmental Panel on Climate Change, or the IPCC. This panel is responsible for assessing the state of scientific knowledge related to climate change and reporting its findings to the convention.

And it is not a stretch to say that policymakers in the United States and...
many other countries rely upon and use the data compiled by the IPCC as a basis for making predictions on future climate conditions and setting policy to limit potential causes of climate change. The emails that emerged recently from the University of East Anglia call into question the accuracy of the IPCC data. There is evidence that researchers suppressed science and data that did not conform to their preferred outcomes. I would like to read from one of the emails that was discovered:

"I can't see either of these papers being in the next IPCC report. Kevin and I will keep them out somehow—even if we have to redefine what the peer-review literature is."

This is scary. The availability of accurate, objective, and scientific data is essential for decision makers. Given that the data was manipulated and hidden and that opposing data was potentially suppressed, it's clear that the United States should not commit to any international agreement on climate change or implement a domestic regulatory system that could damage the economy and kill jobs. And I'm proud to be a cosponsor of Ranking Member Hall's resolution regarding scientific protocols and peer review standards. Science is based on facts and data, and there is also an element of trust when public policy and science meet. If that trust is broken, it is irresponsible for government to legislate on half-truths, incomplete findings, and bogus claims.

This administration promoted openness and transparency, and they use science as a primary means to demonstrate that practice. It's time for the administration to stand up for the principle of openness, even if it means exposing findings that don't meet their preexisting policy initiatives.

**CLIMATEGATE**

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. Inglis) is recognized for 5 minutes.

Mr. INGLIS. Madam Speaker, a number of physicians would tell you that longevity question? It might not extend our lives, but on the other hand, would it hurt us? And in this case, what we are looking for is something that would work that wouldn't hurt us, that wouldn't be harmful.

And what I have proposed is a 15-page alternative to the 1,200-page cap-and-trade, and that 15 pages describes a tax cut on payroll and a shift on to emissions, the result being that we would change the economics of the incumbent fossil fuels and begin replacing them with better fuels that can create jobs and improve the national security of the United States.

Along the way—though, I think the big debate is about whether the climate change models are right, and it's very important that we get it right as to those models, but that process is going to take a long time. It's going to take a longer time with this setback here recently with the revelation that various climate data has been manipulated.

What we have here is a teachable moment for all scientists everywhere that when this kind of misconduct occurs, the result is all of science is questioned. It's not a good result because the reality is we need this science to advance, and we need it to advance in a transparent way where the evidence can be pushed on and replicated if it's accurate. If it's not accurate and can't be replicated, it's rejected. But in the rejection, we learn, and science advances.

So I join with Ranking Member Hall in asking for a full investigation of these revelations about data manipulation of data because we need to get to the bottom of it. Especially in the Science Committee, we need to use this as a teachable moment to figure out how to advance science, true science, without manipulation of data in calling to account those who have manipulated data. In the process, we will all learn a lot about the climate models, we will advance science, and we will make better public policy.

**CLIMATEGATE**

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. Biggert) is recognized for 5 minutes.

Mrs. BIGGERT. According to the American Physical Society, science is the systematic enterprise of gathering knowledge about the universe and organization and condensing that knowledge into testable laws and theories. The integrity of science is anchored in the willingness of scientists who, number one, expose their ideas and results to independent testing and replication by others. This requires the open exchange of data, procedures and materials, and, two, abandon or modify previously accepted conclusions when confronted with more complete or reliable experimental or observational evidence.

Adherence to these principles provides a mechanism for self-correction that is the foundation of the credibility of science.

Madam Speaker, the recent emails out of the University of East Anglia on the subject of climate change call into question the scientific integrity of several of the researchers involved in developing the climate science that is being used by decisionmakers around the world. While allegations of fraud and manipulation in the scientific community are troubling in and of themselves, they are even more concerning when the data in question is being used by United Nations negotiators as the basis for a global agreement to limit greenhouse gases. Such a situation should give international and domestic negotiators pause on the eve of the U.N. Framework Convention on Climate Change in Copenhagen.

Recent events have uncovered evidence from the Climate Research Unit at the University of East Anglia, which show that researchers around the globe were used hiding, destroying, and altering climate data that did not support their narrow global warming claims. Their emails further indicate an attempt to silence academic journalists who publish research that is at odds with their ideology, and they even refer to efforts to exclude contrary views from publication in scientific journals.

Scientific research should meet high standards of quality and should not be held hostage to the ideologies of those presenting the data. It is beyond comprehension that we would even consider implementing a carbon reduction scheme which would irrevocably alter the economy and lead to more joblessness based on these fabrications. Before we move any further, we must restore scientific integrity to the process.

Recent events really show that this has not happened. The hacked emails provide evidence that researchers suppressed science and data which did not conform to the policy. For example, one researcher commits himself to ensuring that no nonconforming science will be mentioned in the IPCC's fourth assessment report. He writes, "Kevin and I will keep them out somehow even if we have to redefine what peer-review literature is."

As a senior member of the House Science and Technology Committee, I cannot stress enough how important the availability of objective scientific data is for both decisionmakers and the public. When it comes to the economy and environment, we cannot afford to make decisions on the basis of corrupted data.
With this in mind, the President should call on the IPCC to establish a robust oversight mechanism governing its work before further climate legislation or regulatory measures are taken. Such action is necessary to prevent future inflated claims and regulatory measures that are based on scientific falsification and fraud.

The United States—a Leader in Energy Independence and Clean Energy Job Creation

The Speaker pro tempore. Under the Speaker’s announced policy of January 6, 2009, the gentleman from Massachusetts (Mr. Markey) is recognized for 6 minutes as the designee of the majority leader.

Mr. Markey of Massachusetts. Madam Speaker, without question, we are now engaged in an historic debate, and that debate is over the question of whether the United States should become a leader and not a laggard on the question of climate change and energy independence and clean energy job creation in our country.

What the Republicans on the Republican side is that they have decided to engage in a phony debate—in a debate about science, which is, in fact, not debatable, in a debate about whether the United States should be the leader in green job creation and energy independence, which should not be debatable. So let’s begin first with the science.

The science is quite clear. Over the last 130 years, there has been a tracking of the temperature of the planet. It is clear that we have now entered, as the world has industrialized, a period of rapid warming of the planet. In fact, since 2001, 9 of the 10 warmest years in the history of our country have been recorded, 10 warmest years in the record. So this trend line, this rapid warming of our planet, is something which, of course, is of great concern because glaciers melt. The Arctic ice cap melts. The deserts in Africa, in Asia begin to widen. Water evaporates. The world, as a result, sees fundamental changes in the way in which it operates. So this undeniable increase in warming due to the CO2, the greenhouse gases which are going up into the atmosphere, is something which we really don’t have an ability to debate.

What the Republicans have done is they have taken a couple of emails from some scientists who had a fight science with whether or not, if they were playing with Mother Nature. The warming of the planet has dramatic consequences for all human societies, and we in the United States are not immune to the consequences. We are going to be radically adversely affected by the impact. So what is the solution?

Well, you might remember just about a year and a half ago that President Bush went to Saudi Arabia. At a point when we had gas prices up around $4 a gallon and at a point when our economy was starting to teeter on the brink because of this impact of oil, President Bush went to Saudi Arabia, promised President Bush the Saudi prince. Please produce another million barrels of oil a day that we could purchase from you. Send us more oil. Have us buy more of your oil at $147 a barrel. That was a low point in American history. By the way, do you know what the Saudi prince said to President Bush?

The Saudi prince said, I will consider selling more oil to you at $147 a barrel, but you must first promise me that you will start selling nuclear power plants to Saudi Arabia.

Do you know what President Bush’s response was to the Saudi Arabian?

We will start selling nuclear power plants to you.

Now, which country in the world does not need nuclear power for its electricity? Which country in the world has so much sun, so much wind, so much oil, so much gas that to build a nuclear power plant would really be a waste of money? I wonder why the Saudis would want nuclear power—uranium? Plutonium? Yet that is the premise that President Bush made to the Saudi Arubians.

We are in the midst of a debate over climate, in a debate over some emails. We all of you think you’ve partnered with the Republican Party in now questioning the validity of climate change?

The Saudi Arabian yesterday said, we want an investigation. We want an
investigation as to whether or not there really is climate change affecting the planet. Now, I wonder why the Saudi Arabian, the number one producer of oil on the planet, the number one exporter, would start to question climate change, start to try to throw some doubt on the world should be moving away from imported oil, moving away from this dependence on Middle Eastern oil. I wonder why they would be the partner with the American Petroleum Institute on this issue. In the same way that maybe you would wonder why the American Tobacco Institute used to question whether or not smoking caused cancer and all of the science which they funded at the American Tobacco Institute as these fumes were being inhaled by people and by children and those families.

Well, now we have a different kind of fume that has been going up from coal-fired plants, from oil that is consumed in our country made around the planet. We know that there is a dangerous warming of our planet, a dangerous impact. Yet, like the American Tobacco Institute, the American Petroleum Institute always asks the question what’s going on. The Saudi Arabian say, let’s question what’s going on. Maybe we don’t want to move too fast.

Well, let me tell you something. In 1970, when the United States was just really getting addicted to imported oil, we imported about 20 percent of the oil which we consumed in the United States. Well, today, ladies and gentlemen, we import 57 percent of the oil that we consume, and we import it from very dangerous places in the world.

As a matter of fact, here is an astounding number. One half of our entire trade deficit is from imported oil. Everything else that we import combined, the price we have to pay for oil to bring it into our country. We produce fewer than 8 million barrels of oil a day, we import more than 11 million barrels of oil a day. Over the course of the year, oil accounts for half of our trade deficit.

Now, here is another astounding fact. Three percent of the world’s reserves of oil are controlled by the United States, but we actually consume 25 percent of the world’s oil every day, 3 percent of the world’s oil reserves, 25 percent of the countries. Now, you keep that going for another 5 years, 10 years, 20 years, you can see what that’s going to do to our national security. You can see what that’s going to do to our trade deficit. You can see what that’s going to do to a new clean-energy jobs revolution.

Those that want this revolution to be stopped, this revolution consisting of wind energy, solar energy, geothermal, biomass, all-electric vehicles and hybrids, buildings that are twice as efficient so that we don’t have to use all that energy. All of the opponents, of course, are going to jump on this very, very, very thin reed and try to use it as a way of undermining our ability to pass historic legislation and the world’s ability to come together to create historic international agreements to reduce the amount of fossil fuels that we burn elsewhere.

People say, oh, can you do it? Is it possible for the United States? Is it possible for us to lead in this new direction? Well, I would point back to the 1990s. In the 1990s, we were still living, unfortunately, in this kind of black rotary-dial phone world. We were living in a world where cell phones were about the size of a brick, it cost 50 cents a minute to make a call and people didn’t have cell phones in their pocket. We had to change the laws in the United States.

Well, I happened to be the chairman of the Telecommunications Subcommittee at that time. If we wanted our children to go down and check our phone, we could buy, we had to change the law. If we wanted cell phones that people could have that had data, video, voice, and they paid under 10 cents a minute, we had to change the laws. If we wanted to have broadband in our country, rather than narrow band, if we wanted to have a capacity to have Google, eBay, Hulu, Amazon, Twitter and YouTube, we would have to change the laws.

Now, of course, there were many people, led by the Chamber of Commerce of the United States, opposed to the Telecommunications Act. The Chamber of Commerce said, Oh, it will be bad for our country if we have listened to the Chamber of Commerce and we had not changed our laws? All of these products would have been created—but not in the United States. We would not have branded it Made in this little dish that people could buy, we had to change the law. If we wanted cell phones that people could have that had data, video, voice, and they paid under 10 cents a minute, we had to change the laws. If we wanted to have broadband in our country, rather than narrow band, if we wanted to have a capacity to have Google, eBay, Hulu, Amazon, Twitter and YouTube, we would have to change the laws.

Now, they keep that going for another 5 years, 10 years, 20 years, 50 years, you can see what that’s going to do to our national security. You can see what that’s going to do to our trade deficit. You can see what that’s going to do to a new clean-energy jobs revolution.

The Republicans have been unable to win a debate on clean energy and climate based on the facts, the science or the economics. Now, in a desperate attempt to manipulate the truth, they’ve joined with the Saudi Arabia and ExxonMobil to promote a manufactured scandal about stolen emails, not science, because they can’t answer these questions about the warming of the planet, the permafrost being destroyed in Alaska.

They are calling it all into question. Of course, they don’t have any answers for it. They don’t have any way of really explaining it, but they are using it as a deliberate political tactic in order to slow down the legislative and international response to the problem.

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The personal emails in question—Mr. LINDER. We are prepared to have that debate right now if the gentleman would yield.

Mr. MARKEY of Massachusetts. The gentleman from Massachusetts.

Mr. MARKEY of Massachusetts. The gentleman from Massachusetts.

Mr. MARKEY of Massachusetts. The gentleman from Massachusetts.

Mr. MARKEY of Massachusetts. The gentleman from Massachusetts.
global warming. Now the Republicans are attacking the scientists who have worked decades on this problem, going so far as to accuse them of scientific fascism.

This is an insult to America's best and brightest scientists. The science that we are relying upon is the consensus of NASA, the science of NOAA, the National Oceanic and Atmospheric Administration, the National Academy of Sciences and our United States military. That is the evidence that we are relying upon. Men and women who had nothing to do with the emails and whose work has shown climate change is real and a danger to public health.

The scientists have used a careful, rigorous and transparent approach to come to consensus that evidence of global warming is unequivocal. The data topics referred to in the emails were all transparent and also debated openly and in public literature at that time.

Additionally, the American Association for the Advancement of Science, the AAAS, has reaffirmed its statement that global climate change caused by human activities is now underway and is a growing threat to society.

On December 4, just a couple of days ago, more than 25 leading U.S. scientists sent an open letter. Here is what they said. They said the content of the stolen emails has no impact whatsoever on our overall understanding that human activity is driving dangerous levels of global warming. The letter states, even without including analysis from the UK research center from which the emails were stolen, that the body of evidence underlying our understanding of human-caused global warming remains robust.

The AAAS expressed grave concerns that the illegal release of private emails stolen from the University of East Anglia should not cause policymakers to be unsure about the scientific basis of climate change. Similarly, the prestigious British journal Nature published an editorial last week saying that there was no reason for its editors to revisit papers submitted by scientists whose emails were stolen.

The American Meteorological Society has also stated that the emails gave them no reason to revisit its conclusion that human activity is driving climate change.

Bryan Walsh of Time magazine writes in his article, "The truth is that the emails, while unseemly, do little to change the overwhelming scientific consensus on the reality of manmade climate change." The IPCC chairman, Rajendra Pachauri, in the opening of the U.N. climate change conference, as I just pointed out, made the very same point.

So the consensus from the scientific community is clear that the Republicans are trying to manufacture an issue to derail legislation. They do not have the information. They do not have the scientific evidence to maintain their points. However, the Saudi Arabs and ExxonMobil, they want to question it. They want to continue business as usual in our country. But when the scientific community move forward in their direction, will be further catastrophic consequences for our planet.

The emails do not in any way indicate global warming is flawed or manipulated. The emails do not in any way undermine the sound science or disprove the unequivocal scientific consensus that global warming is real and caused by manmade carbon pollution. These emails do not show evidence of a conspiracy. The emails do not contain admissions of a global warming hoax. And the emails do not show that data was falsified. The Republicans are cherry-picking key words in emails to try to manufacture a scandal.

Here are two prime examples: one email suggests using a trick. Now, this email was written in 1999, 10 years ago. Since that time the planet has had 9 of the 10 hottest years on record. We have seen stressful events like Katrina, record wildfires out West, villages falling into the sea in Alaska, and a 500-year flood in the Midwest, not to mention the disappearance of Arctic Sea ice at a rate far outpacing the climate models. These events are not a trick. They have all found global warming to be a danger to public health and national security. This work is publicly available and fully transparent.

Next, skeptical scientists have not been silenced or suppressed. The deniers have not been silenced. In fact, their very research and opinions mentioned in the emails were, in fact, included in the IPCC report. Two of the skeptics who were categories like skeptics categories like skeptics that the emails suggest should be kept out of the IPCC process are cited and discussed in chapter 3 of the 2007 IPCC Physical Science Basis report. Deniers have testified before Congress literally dozens of times. But the majority of their work has been funded by Big Oil and by other polluters. And let's not forget deniers and skeptics had 8 years of George Bush to help them delay action. The scientific process has been very robust; the virtual truth about emails, then let's talk about the Environmental Protection Agency of George Bush.

After the Supreme Court decision Massachusetts v. EPA was rendered in April of 2007, they instructed the Bush administration and its Environmental Protection Agency to make a determination as to whether or not CO2 posed a danger to the health and welfare of the American people. They told them they had to make a finding one way or the other. In May of 2008, the EPA of George Bush made the decision that CO2 was a danger, and they sent an email over to the White House saying we have found the danger.

But Vice President Cheney found out that an email had been sent and the finding was not going to be finalized until the Bush White House accepted the finding. So what did they do? Vice President Cheney ordered that the email not be received in the White House. No email, which is the consensus of the Environmental Protection Agency of George Bush that CO2 is a danger; we won't accept that email.

Now, there is a scandal. That's a scandal. The American Environmental Protection Agency has made a finding that CO2 is a danger and Vice President Cheney says, We won't accept it. Send the email back because once we get it, we'll have to act on it. There is a scandal. That's the Cheney-Bush years, holding hands with the Saudi Prince, Please send us more oil, denying the science that their own EPA had developed saying that CO2 is a danger to the health and welfare of our country. That is what is the real scandal, that they were denying science. They were denying the evaluation made by thousands of scientists not only in our own country but around the world.

And who are these scientists? They're the people that work at NASA. They're the people who work at NOAA. They're the people who work at the Navy Department, in the Army, in the Marines, in the Air Force. These are the people whose email have been in Polaris submarines going under the Arctic to measure the depth of the ice, these are the people whose information is now being called into question by the Republicans.

These are the people whose email going into the White House was rejected by Dick Cheney. No, we don't want to act. We're going to finish out all 8 years of the Bush-Cheney era without ever having done anything about climate change.

This scientific process is very robust. The emails show without question that scientists are human. The power of the scientific process, however, has always been its ability to overcome human bias. That is the case with climate science as well. Despite the revelation that a few climate scientists may have considered acting inappropriately, these scientists have not tried to create a mini-contretemps, something that makes it look like there's a real debate.
Yes, it’s between Democrats and Republicans, but it’s really between scientists at a 98 percent level and everyone else. But they’re trying to take the 1 percent, 2 percent and make it out like there’s an evenhanded debate. That’s not what the American Tobacco Institute said about global warming; that email telling us that it is a danger to our planet, to our country, because that’s the finding they had to make. The finding the EPA had to make was not a danger to the world, a danger to the United States of America. And that email, that scientific email, was summarily rejected by Dick Cheney because once they accepted it, they would then have the political and moral responsibility that something had to be done about it.

So there was no open and free discussion inside the Bush administration on that science. There was no roundtable with Dick Cheney sitting in the middle of it. Well, let’s now debate the science. Oh, no. No free and open discussion of science. No free and open discussion of how the Vice President is going to reject out of hand the consensus of the entire EPA of his administration in the 8th year of the Bush administration. So it wasn’t as though there were a bunch of Clinton holdovers at this point. This was a decision made by the Bush administration and its EPA, and it was rejected without so much as a debate by Dick Cheney and the White House.

So all of this, unfortunately, is being covered by the media as though it’s kind of an evenhanded discussion here—that’s going on: 99, 98 percent of all scientists are on one side, 1 percent on the other side. No, let’s just make it even—

Steven, which is kind of how the tobacco debate was handled for a generation.

So there was no open and free discussion of global warming, about this imported oil, about the need to create a new generation of green jobs in our country. We should try to create another 2 million jobs in our country. That’s what this debate is all about. We have enjoyed the benefits of this fossil fuel era, but we have a responsibility to the generations to come to create a new era for them.

That’s our challenge.

And to have this debate over a couple of emails is really a disservice to the American people and to the planet. This should really be about something that’s much bigger, and our country deserves that debate. The world wants us to be the leader. We have an opportunity to create a new generation of green jobs in our country. That’s what this debate is all about. We have enjoyed the benefits of this fossil fuel era, but we have a responsibility to the generations to come to create a new era for them.

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That’s our challenge.
the debate over the emails and begin a real debate about our energy and climate future.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. BARTON of Texas. Mr. MARKEY, before I yield the balance of my time, could he answer a question if you still have time?

Mr. MARKEY of Massachusetts. I would be glad to yield.

Mr. BARTON of Texas. We have a fundamental difference on the data, which is part of what our Special Order is going to be. We have verifiable data that the temperature has gone down the last 11 years in a row, and yet you alluded to some data points about the hottest years on record and stuff. I mean, how do we reconcile that?

Mr. MARKEY of Massachusetts. How do I reconcile what?

Mr. BARTON of Texas. We can’t both be telling the truth. We can’t say the temperature has gone down 11 years in a row and you have data that says 2005 was the second hottest year on record and all of that. I mean, how do we reconcile these data points? I mean, is there a way, a methodology that we can supply our data and you can supply your data and try to reconcile them? I mean, the facts ought to be the facts. We can have different opinions, but we ought to agree on what the facts are.

Mr. MARKEY of Massachusetts. Well, that seems to be very clear. The facts are that 9 of the 10 warmest years on record have occurred in the last 10 years and it has reached a temporary plateau. We are in a recession, and in China and in the United States and in other countries there has been a slower pace of increase in emissions. And by the way, this year it’s going back up again, it’s going to be the fifth warmest year in history this year.

Mr. BARTON of Texas. Are those data publicly available?

Mr. MARKEY of Massachusetts. Yes, they are public. This is the data provided by NASA, which I will provide to you. NASA has been compiling temperatures from the last 130 years, and I will be more than willing to give it to you.

I guess the fundamental question is, as China and India industrialize, as other parts of the world industrialize and start to send up more fossil fuels into the atmosphere, do we believe in the science that we historically have relied upon, then we are going to allow a small number of outlying—

Mr. BARTON of Texas. We are going to introduce, in our Special Order, some of the scientists that maintain these data sets manipulate, change and eliminate for their own conclusions. And again, it’s very fair to have an opinion and have a scientific debate, but it shouldn’t be fair to manipulate the data in a way that at best is disingenuous, or in some cases deceitful, and I hope you would agree with that.

Mr. MARKEY of Massachusetts. I completely agree with that. And I think that the overwhelming evidence of the overwhelming majority of scientists in the world is what is represented by the science that the United Nations and all of the National Academy of Sciences of every country in the world has accepted.

Again, as I point out, even papers mentioned in those emails and the points in them were included in the IPCC, the Intergovernmental Panel on Climate Change’s report of the United Nations. So it was in. It was a minority view, it was not accepted by the overwhelming majority of scientists. And amongst these human beings that are scientists, they did show some very similar conclusions and debate the subject, but it never did call into question the facts that human activity was causing the warming of the planet. But the views were included in section three of the Intergovernmental Panel on Climate Change’s report that the United Nations produced.

Mr. BARTON of Texas. I encourage you to listen, and if you wish to stay and maybe participate in our Special Order, you would be welcome.

Mr. MARKEY of Massachusetts. I thank the gentleman.

Mr. LANGEVIN. Will the gentleman yield?

Mr. MARKEY of Massachusetts. I would be glad to yield to the gentleman from Rhode Island.

Mr. LANGEVIN. I thank the gentleman for yielding.

Let me just commend the gentleman from Massachusetts for his incredible work on the issue of addressing global climate change, an issue that I know in many ways has become his life’s work for so many years. I deeply appreciate his work here in the Congress, particularly as he leads the committee on the environment and global climate change here in the Congress.

Madam Speaker, I rise tonight to join my colleague, Mr. MARKEY, and so many others, in addressing this issue of global warming during tonight’s Special Order hour to recognize the critical negotiations that are beginning to take place at Copenhagen at the United Nations Climate Change Conference.

And I say to my colleagues, if I am greatly concerned with the permanent damage that we have already inflicted on the planet by failing to curb carbon emissions, but I believe that there is still time to enact meaningful reform that will not only stop the harmful effects of pollution, but will restart our economy with a greater investment and demand for clean energy.

This issue, in terms of addressing global warming, is important for our environment. It’s important for our national security. It’s important for our economy in creating jobs of the 21st century, and clearly it’s so vitally important to the future of our planet.

The predictions of what will happen to our planet if we do not take action on global warming, and often they are even too dire to comprehend. But as a representative of the Ocean State, I simply can’t ignore the situation that is facing my State today and in the near future.

In my home State, just off our coast, the temperature of Narragansett Bay has risen 2 degrees in the past 30 years, leading to dramatic changes in the fisheries population. In Rhode Island, our economy relies on the fishing industry, and they are feeling the adverse effects right now because of these issues.

Conservative graphs of our coastal communities in the year 2100 shows cities that are halfway underwater. What happens to the investment that we’ve made to restore our fisheries, upgrade our ports, and to refurbish our wastewater infrastructure? Well, they will slowly be underwater, and the Federal investments that we made will be gone.

When I listen to my colleagues speak about things like the deficit, they often lament that we are focused on short-term fixes while perpetuating a long-term burden that our grandchildren will have to carry. Well, I
agreed with them. I don’t want the next generation to be burdened with the decisions that we make here today and I don’t want to leave them with air they can’t breathe, water they can’t drink, and destroyed infrastructure up and down the coastline.

We need to address this issue now. I look forward to working with my colleagues on addressing global warming.

I commend the gentleman from Massachusetts again for his extraordinary work on global climate change issues.

CLIMATEGATE SCANDAL

The SPEAKER pro tempore (Ms. Markey of Colorado). Under a previous order of the House, the gentleman from Texas (Mr. Poe) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, it seems the science behind man-made global warming is melting before our eyes. Now there is a chance that even NASA will be pulled into the worldwide Climategate scandal.

For nearly 3 years, NASA has been stonewalling requests under the Freedom of Information Act for information on their own temperature manipulation. Earlier, we learned that the University of Anglia in England where those global warming scientists house themselves had been hiding emails that contradict their theory of global warming.

So now Climategate has a twin sister, NASAgate. Investors’ Business Daily reported just yesterday on NASA being forced to change their climate records that the world has been using for years. They said, “NASA was caught with its thermometers down when James Hansen, head of NASA’s Goddard Institute for Space Studies, announced that 1998 was the country’s hottest year on record, with 2006 the third hottest.”

The last speaker, with all due respect, used these false statistics in his speech claiming global warming is a crisis. The fact is: “NASA and Goddard were forced to correct the record in 2007 to show that 1934, decades before the old SUV, was in fact the warmest. In fact, the new numbers show that four of the country’s 10 warmest years were in the 1930s.”

So how did NASA, the premier scientific institution in the United States, get such basic temperature calculations wrong? Did they cook the books too, just like the University of Anglia? We don’t know. It turns out NASA has been blocking the Freedom of Information Act request that included emails like the scientists in Britain. What are they trying to hide? If global warming is a well-settled fact, why are these experts hiding the evidence to the contrary? And why isn’t NASA following the Freedom of Information law? It’s been 3 years since that information was requested. The public has a right to see the temperature data in these NASA emails. But there’s more.

Earlier this year, the Environmental Protection Agency was caught suppressing dissenting views, just like the Climategate warmers in Britain and NASA. One of the EPA’s own scientists wrote a report refuting manmade global warming science, using the latest, most current information that says the Earth is actually cooling right now. In fact, the Earth has been cooling for more than a decade. That’s really an inconvenient truth for Al Gore and the global warmers.

But the people at the EPA buried the dissenting report, just like the Climategate warmers did and maybe NASA. The EPA bureaucrats said their scientist’s own report wasn’t helping their agenda, so they hid it and threatened the scientist so he would keep his mouth shut. The question is: Why can’t the public see the dissenting view from other scientists? Isn’t that what science is all about? The reason: It appears to me that careers are at stake, along with millions upon billions of dollars.

In the 1970s, Time and Newsweek predicted global cooling, that the world was all going to freeze. But when climates began to warm, scientists were told to change their term from global warming instead of global cooling. And have we noticed that the planet has actually begun to cool again? Madam Speaker, it even snowed last week in Houston. It never snows in Houston. A snow in Houston is as frequent as a hurricane in Iowa.

But the warmers, again, have changed the name of that catastrophe. It’s now no longer global warming; it is climate change. That’s a safe bet, because the climate does change almost every day. And why would they do this? What’s the motivation for these scientists to apparently cook the books on global cooling or warming or climate change? It’s money.

According to Climategate documents, the British university, the CRU at the center of the Climategate scandal, has received millions of dollars. NASA’s climate change warmers stand to receive a billion dollars in funding this year alone. Global warming is big business. Fox News reported today that former Vice President Al Gore may be the world’s first carbon billionaire. He makes money preaching about the danger of global warming.

It’s a great thing to make money in America. That’s what capitalism is all about. But it’s not okay to earn money from investing in green technology companies and, at the same time, forcing expensive green laws and EPA regulations on the American people based upon science that is not a fact. In the real world of science, if your calculations are wrong by data and observation, you have to throw out the hypothesis.

Some of the computer models using CRU data as a result are falsified. That includes the global warming claims. And these are the top warmer scientists. These scientists and their dogma of fear is about control and obtaining taxpayer money. Ronald Reagan said it best: Government does not solve problems; it just continues to subsidize them. And that’s just the way it is.

GLOBAL WARMING OR CLIMATE CHANGE

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 6, 2009, the gentleman from Texas (Mr. Barton) is recognized for 60 minutes as the designee of the minority leader.

Mr. BARTON of Texas. Madam Speaker, I do think that I will use the 1 hour. I understand there’s going to be a rule reported in the time, and we’ll certainly yield to the person from the Rules Committee to file that rule.

Madam Speaker, I wish to rise to discuss a topic that’s already been discussed on the House Floor this evening. It’s the issue of climate change or global warming. Next week, I am honored to be one of the congressional delegations attending the Copenhagen Climate Change Conference in Copenhagen, Denmark, that’s going to be attend by our esteemed Speaker, the Honorable Nancy Pelosi. I also attended Kyoto, Buenos Aires, and The Hague. I’m the ranking Republican on the Energy and Commerce Committee and formerly on the Science Committee and I have been a participant at the congressional level on the climate change debate for the last 20 years.

I’m going to start off by putting into the RECORD a suppressed report that Congressman Poe just talked about that has never before this evening been made public in its entire, unexpurgated form. The title of the report is Comments on the Draft Technical Support Document for the endangerment analysis for greenhouse gas emissions under the clean air act. This report was compiled by Dr. Alan Carlin, who is a career scientist and investigator at the EPA. At one time, he self-described himself, I’m told, as a global warming believer. He prepared this report. He works in a group within the EPA that is responsible for conducting an internal review of some of these draft orders before they go public. And I’m not going to read the entire report. I’m going to read excerpts of the preface and the executive summary, and then I will put the entire report into the RECORD.

This is from the executive summary and the preface, and I quote, “We have become increasingly concerned that EPA has itself paid too little attention to the science of global warming. EPA and others have tended to accept the findings reached by outside groups, particularly the IPCC,” which is the International Protocol on Climate Change that was under the auspices of the United Nations, “and the CSOP, as being correct without a careful and critical examination of their conclusions and documentation. If they...
should be found to be incorrect at a later date, however, the EPA is found not to have made a really careful independent review of them before reaching its decision on endangerment, it appears likely that it is the EPA rather than those other groups that may be blamed for any errors.

Further down on the executive summary, Page 1, “Our conclusions do represent the best science in the sense of most closely corresponding to available data, which we currently know of, and are sufficiently at variance with those of the IPCC, CCSP, and the Draft TSD that we believe they support our increasing concern that the EPA has not critically reviewed the findings by these groups.”

Further, “we believe our concerns and reservations are sufficiently important to warrant a serious review of the science by EPA before any attempt is made to reach conclusions on the subject of endangerment from greenhouse gases.”

And on Page 2, “What is actually noteworthy . . . is not the relative apparent scientific shine of the two sides”—those that oppose and those that support the global warming argument—“but rather the relative ease that support the global warming argument. In fact, this report was suppressed, is currently an invalid hypothesis; the models in the IPCC do not take into account or show any appreciable temperature increases during the critical period from 1978 to 1997. Satellite data after 1998 is also inconsistent with the greenhouse gas CO2/AGW hypothesis; Number 4, the models used by the IPCC do not take into account or show any significant natural effects on global temperatures; Number 5, the models in the IPCC ignored the possibility of indirect solar variability; Number 6, the models in the IPCC ignored the possibility that there may be other significant natural effects on global temperatures; Number 7, surface global temperature data may have been hopelessly corrupted by the urban heat island effect. Now, this one is the one that I was asking Mr. Markey about to see where he got his data set, because surface global temperature, if you take it in downtown Manhattan, for example, is going to be very different than if you take a surface temperature in a rural area. The actual urban effect, the concrete, the asphalt, the buildings raise the temperature there is some concern that this urban heat island effect has corrupted the temperature.

Those are just seven reasons in this draft document why this author had skepticism about going forward with an endangerment finding. And yet, this report was not made a part of the record. This report was not made public. In fact, this report was suppressed, and because of considerable anxiety on the part of people like myself and Congressman Issa, Congressman Sensenbrenner and I have worked regularly on the trade issue—and take advantage of our comparative advantage, which happens to be the development of a wide range of alternative energy sources—whether it’s algae, whether it’s wind, whatever—and provide a chance for those technology leads to move those developing countries which have not yet been able to comply—Bangladesh, India, China, other countries.
So Mr. KUCINICH and I have joined to introduce a resolution calling for the tariff-free export of all green technology. Now, I believe that that would create jobs in this country, and it would go a long way towards helping us in our quest to deal with overall environmental impacts.

And so while there is a wide range of views on this issue of global climate change, I do believe that it’s important for us to know that improving our environment is something we can come together and agree on. And I do believe that we should be able to do in the Chamber in a bipartisan way we can encourage entities like the World Trade Organization to negotiate a worldwide agreement that would allow green technology to be exported to all parts of the world.

Mr. BARTON of Texas. I thank the gentleman for bringing that to our attention, and it sounds like a worthy proposal.

Mr. BJOREK. I thank my friend for yielding.

Mr. BARTON of Texas. I would like to yield such time as he may consume to a member of the committee from the great State of Illinois (Mr. Sinnemahпон).''

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

Mr. SHIMKUS. Thank you, Mr. Barton.

I think what is important, Mr. Barton, was your focus on science and your focus on data points and what we should be able to do in the Chamber in a bipartisan manner is to agree on the data points. We should be able to agree on what the science is, and that’s in question. And for many of us it has been in question for a long time.

We’re joined by John Linder, who’s been following this as long as anyone else has, and part of his research has been to ensure that the scientists would not give the data. They would never tell us what’s the base by which they’re making this extrapolation. And so I’m glad that you highlighted the scientific method that I didn’t get on the chart but I brought down here.

It’s very simple. I taught high school. You’re an engineer. I went to an engineering school. This is irrefutable. This is how science is done. You ask questions. You do background research. Background research in this debate would be to get the temperatures.

We’re already questioning the background research, one, based upon the request from the Freedom of Information Act, and of course now our friends at the IPCC are saying, We don’t have them. The dog ate the homework. It is amazing. Scientists are really some of the most respected professionals. But they’re respected because of this, this process, which should be objective. You should be able to follow it. You should be able to test your hypothesis.

The hypothesis is an educated guess. That is all it is. It’s not truth. It’s a guess based upon the data points. And then you are—then you’re to test it. And then you analyze the result and then you draw your conclusions.

Based upon the scientific method, you can categorically say right now that the facts don’t support the statement that solves are in error. Science does not solve. That is why all of this political activity is going on right now. That is why the EPA administrator is saying, We’re going to do endangerment findings. They want to do it before we are able to educate the public.

And they are not providing us with the data points, they’re not complying with the Freedom of Information Act requests. And so this process is skewed.

So when they tested it, they found out that the results didn’t match their educated guess. And what did they do? These scientists are politicians. They went into—we call it in the military they went and holed up. They lowered the turrets; they got under ground. Don’t ask me. And here are some of the emails, in essence, to prove that. Here’s the first one.

“The fact is that we can’t account for the lack of warming at the moment, and it is a travesty that we can’t.”

Mr. BARTON of Texas. When was that email? Was that 10 years ago? Was that a decade ago? When was that?

Mr. SHIMKUS. 12 October, 2009, at 8:57.

Mr. BARTON of Texas. So that was 2 months ago.

Mr. SHIMKUS. As of 2 months ago, we can’t account for the lack of warming.

There’s two things here. First of all, they say we can’t account for the lack of warming. So their background research, he is already trying to skew the research. And he has an emotional response: “It’s a shame. I’m saddened.” Scientists shouldn’t be emotionally attached to the data. This is the data. Let’s test it.

What would we encourage our friends on the other side to say is, in a bipartisan manner, let’s get the facts on the table, and let’s get the scientists to look at the facts. The facts are being hidden. That is sad.

One is they don’t have the facts; two is he’s emotionally distraught because his hypotheses cannot be proven.

Here’s another one to the ranking member: “I can’t see either of these papers being in the next International Panel on Climate Change report. Kevin and I will keep them out somehow— even if we have to redefine what the peer-review literature is.”

Here’s another process on the scientific message. Analyze the results. Draw conclusions. They have got some—they’ve done some analysis that doesn’t support it. So are they going to add that in a scientific objective fashion, say, This is what we believe, but there’s about a 50/50 chance they say that the facts don’t speak for the hypotheses? No. These scientists say, We’re going to bury it. We’re going to hide it. We don’t want the public to know.

Can you imagine scientists doing that?

Again, the scientific community is one of the most respected communities because they go by the scientific method.

Here they admit that they’re going to keep the analyses out of the report—two analyses that contradict what they want their hypothesis to be—Mr. BARTON of Texas. Now Mr. Phil Jones, he is the head of the Climate Research Unit at East Anglia University in Great Britain. Is he the gentleman that just resigned?

Mr. SHIMKUS. He is the person who just resigned.

Mr. BARTON of Texas. And is M ichael Mann the professor at Penn State that is the proponent, initially, of the hockey stick theory, which has been shown to be discredited and was actually using data sets that were manipulated in a way that they shouldn’t have done? Those are the two gentleman, the author and the recipients of this email?

Mr. SHIMKUS. That is correct.

Mr. BARTON of Texas. And are these two gentlemen two of the leading proponents in the IPCC that climate is growing warmer because of manmade CO2 emissions?

Mr. SHIMKUS. They are the foremost promoters of the theory.

And there’s the followup. Are they receiving taxpayer dollars to promote this theory through the IPCC, which is the U.N. International Panel on Climate Change, or Virginia.edu, and you could speculate that there are DOE grants, EPA money, going. And another thing, these scientists are for hire. They’re for hire.

Mr. LINDER. Will the gentleman yield?

Mr. SHIMKUS. I will yield.

Mr. LINDER. We heard the gentleman from Massachusetts talk about Big Oil, and Saudi Arabia funding all of the opposition. I can’t find the scientists that are getting those checks. But a recent study came out in the last several weeks that says that government money going to climate science on behalf of those who believe in human-cause global warming has been $79 billion over the last 20 years. They have drowned anything on the other side of the issue. And they continue to do it.

Would you suggest that maybe that’s why they are continuing to hide this situation because the money keeps coming?

Mr. SHIMKUS. I believe that those who seek taxpayer dollars—we know here that agencies and programs never go away. If that’s why they’re not providing the data, that’s why they’re hiding the fact of the last decade—can you imagine us in this environment of trying to get control of the deficit and the debt, and we’re spending billions of dollars to scientists who are not using the scientific method?
Mr. LINDER. I believe the number this year is $7 billion from the government.

Mr. SHIMKUS. So, yes, they’re on the dole. They want to keep their jobs so they’re continuing to promote and deceive the public. I don’t know. I would say it’s pretty damaging to their name, to the community, and also to the taxpayers.

Now, if I may, I have one more that I’d like to share. And there are tons. I mean, these are just a small sampling. The name change community; and in all likelyhood, they are going to be making decisions to address the scientific method.

Again, as an engineer, give us the facts, give us the data, test the data, prove if it’s right or wrong. If it’s wrong, get an analysis, and then maybe try again. Retest it. Let’s retest the data point.

Mr. BARTON of Texas. In a negative way.

Mr. SHIMKUS. We rely on jobs and our environment on cheap energy. And as you know I’m from the coalfields of southern Illinois, and I spent this whole year and last year fighting for our coal reserves and the importance of the coal industry. And I have the poster of miners who lost their jobs during the last cycle, 1,200 miners in one mine. The State of Ohio lost 35,000 coal miner jobs. That is just a fraction of what we will see in this country if we roll back the carbon emissions, and if they could prove it, but they can’t.

Mr. BARTON of Texas. They can’t even prove it apparently with tricks.

Mr. SHIMKUS. Carbon dioxide is not a toxic emission. And that is what Administrator Jackson just said.

Mr. BARTON of Texas. If it were, the floor of the House would be a toxic waste dump because there is more CO₂ created here than in any other size room in the country, with the exception of perhaps the floor.

Mr. SHIMKUS. I would encourage you to keep up the great work. Thank you for letting me join you.

Mr. BARTON of Texas. I would now like to yield to one of the most informed Congressmen on the issue of climate change, the Honorable JOHN LIN- DNER of the great State of Georgia.

Mr. LINDER. I thank the gentleman for yielding.

I first got interested in this 5 or 6 years ago on a trip to New Zealand. It was a congressional delegation. We had a visit with the leader of the NOAA point there where they leave to go into Antarctica for their expeditions and come back to this scientific center. And they put a PowerPoint presentation together for us and a big chart on the wall that showed that at that time they had dug into the Vostok ice core for 400,000 years back, and that from 400,000 years back to today, temperature increases and decreases and CO₂ increases were in con- sonance. They moved with each other.

And I asked him, Who was burning fossil fuels 400,000 years ago? He took that as a rude question, and it took me a year to get a copy of that chart. But I studied that chart. And then I looked at the studies about the Vostok ice core. And what you discover when you don’t have it on a, 8½-by-11 piece of paper, and expanded is that temperature changes precede CO₂ changes by about 1,000 years.

Mr. BARTON of Texas. That means that temperature is the dominant variable, and that it drives the dependent variable, which is CO₂. When temperature goes up and then CO₂ goes up.

Mr. LINDER. That’s correct. One study says 800 years, one study says 2,800 years, but people average it at about 1,000 years.

Mr. BARTON of Texas. So Vice President Gore is only off by 180 degrees?

Mr. LINDER. That’s right. And so is the entire IPCC report. CO₂ is a trace gas. It is a plant food. It is beneficial to all of life. CO₂ is a modest gas. Methane is 23 times more powerful at trapping heat. Sixty-five percent of the heat-trapping gases come from water vapor. We are not going after them because we are going after the people. What you learn when you discover that CO₂ levels follow the temperature changes is that there’s a reason for it. And the reason is this: we go through ice ages and global increases and declines in temperature. And as the temperature de- clines globally, the trees at the top of the mountain start to die for lack of photosynthesis, and then the bushes, and then the grasslands. And the dust that blows in the winds that are always blowing across the oceans. And part of that dust is lead. And when that lead settles to the bottom of the oceans, it catalyzes growth in the largest biological mass we have in this planet, the plankton. And that growth demands CO₂ to keep going.

Now, bring us real data. Go through the scientific method. Test it, but don’t hide it. Don’t trick us. Don’t deceive us. Don’t discourage your profession of scientists by staying on the public dole to receive taxpayer money to continue to promote a fraud, a fraud on the American public. So that’s why I real appreciate, Congressmen Bar- ton, that you’ve taken this time to help address this. There’s a lot of education. And this education has to go on now because they are going to be making decisions in Copenhagen. They are going to try to bind us to stuff on the dole and you’re doing a bit of a job there.

Mr. BARTON of Texas. Now my assumption, and this is an assumption, is that the gentleman that wrote these emails and that received them by and large are in the inner circle of the climate change community; and in all probability, they are in Copenhagen right now.

Mr. SHIMKUS. You bet they are. The International Panel on Climate Change, they are the U.N. designees to continue to provide the information to the folks who attend the conference upon which they make the decisions.

Mr. BARTON of Texas. And if the President were to commit the United States to a legislative path that these scientists would like, if we were to adopt as law the climate change bill that passed the House that requires a reduction of 83 percent of emissions from CO₂, manmade sources, 2005, by the year 2050, and we implemented that, it would be a disaster. It is 28 times the emissions level in this country that we last experienced in 1910. And if we do it on a per capita basis that we last experienced per person in 1975, is it the gentleman’s position that if we were to do that, our lifestyle in the year 2050 would be anywhere comparable to where it is today?

Mr. SHIMKUS. Our lifestyle would be dramatically different.

Mr. BARTON of Texas. In a negative way.

Mr. SHIMKUS. We rely on jobs and our environment on cheap energy. And as you know I’m from the coalfields of southern Illinois, and I spent this whole year and last year fighting for our coal reserves and the importance of the coal industry. And I have the poster of miners who lost their jobs during the last cycle, 1,200 miners in one mine. The State of Ohio lost 35,000 coal miner jobs. That is just a fraction of what we will see in this country if we roll back the carbon emissions, and if they could prove it, but they can’t.

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Mr. SHIMKUS. You bet they are. The International Panel on Climate
think. We are not accused of doing that very often, but there are sometimes some Congressmen, you and I, I think, are two, not that others don’t, but we actually think.

Now I want to build on what you just said. The ice core samples that you got the data that show temperature goes up, and then CO₂ goes up. And if temperature were to go down, then CO₂ would go down.

Mr. LINDER. That’s correct.

Mr. BARTON of Texas. We are in a situation right now where it appears, it depends on the data that you believe; but if the data points that we think are correct are correct, we are in a cooling period. Temperature has gone down at least 8 years in a row and probably 12 years in a row, and we appear to be in a cooling period. But at the same time, we have to admit that CO₂ concentrations are going up.

Mr. LINDER. That’s correct.

Mr. BARTON of Texas. So I would hypothesize that the CO₂ concentrations going up are going to prevent as much cooling, and it will keep the planet warmer than it would otherwise, but still cooler overall, which would be a good thing for mankind. We don’t want another ice age, do we?

Mr. LINDER. No, no. We do not. In the last 3 million years, we have had 29 ice ages, 28 glaciations, the last on average about 100,000 years, interrupted by about 10,000 years of warming. It has been 11,400 years since the last glaciation. It is likely the planet is looking toward going cooler again. We have had less activities in the last 11 years than we’ve had in many, many years.

Mr. BARTON of Texas. I’m told this, you probably know, that there are more glaciers in the world that are growing than there are that are in decline.

Mr. LINDER. Than are receding, that’s right. But 386 parts per million is not even high. It’s at the low end of the comfort scale. Roughly 65 to 135 million years ago, when the dinosaurs roamed this Earth, CO₂ levels were five and 10 times as high they are today and produced a tremendous amount of greenery that fed those animals.

542 million years ago was the Cambrian period. It came to be known as the Cambrian explosion because in a very short period of time, 5 to 10 million years, which is a 4½ billion-year-old planet is the blink of an eye, in that short period of time, all of multicellular complex life that has ever existed on this Earth was deposited in the fossil evidence.

How did that happen? That happened because temperatures were warmer. The CO₂ levels were 700 parts per million, not that low, but that it is today. The entire planet was covered with greenery and had immense amounts of oxygen and all of complex life as we know it, 96 percent of which is no longer existent.

Mr. BARTON of Texas. But it would have been a little warmer than it is today. We might not have been comfortable wearing a woolen sweater back then.

Mr. LINDER. But it would have been better than a glaciation. I always like to ask people who tell me the temperature is growing too much to say what should the current temperature be. Tell me. Should it be the temperature 1,000 years ago when Greenland was empty of life again, when there were no people in Scotland were growing wine grapes? Or should it be 879 A.D. when the Thames froze over? Or should it be a little ice age when Greenland was empty of life again?

Mr. BARTON of Texas. All I know is when people retire, they move to Florida and Texas.

Mr. LINDER. They don’t move to Greenland.

Mr. BARTON of Texas. They don’t move to Iceland or Greenland.

Mr. LINDER. CO₂ is a beneficial trace, helpful gas that feeds plants. And this whole notion that we should control it somehow is nothing but vanity. We are not going to change what is put on this planet for 4½ billion years. Now we are told, and we heard from the gentleman from Massachusetts, that there is a scientific consensus. He said 98 percent of the scientists, tens of thousands, agree with his position. Well I would like to ask him to produce that list. Because only 600 of them shared the Nobel Prize with Al Gore. A scientist from Australia has said only 35 people actually wrote the IPCC reports, and they were controlled by 10 people.

Mr. BARTON of Texas. One of whom just resigned from his position in East Anglia.

Mr. LINDER. He did? What is not popularly known is that 32,000 scientists, including Edward Teller, 9,000 of whom are Ph.D.s and the rest masters, have signed a statement that says there is no evidence that humans are causing any impact on the global warming that occurred between 1975 and 1998, none whatsoever. In fact, five scientists who testified to the first IPCC report said in their papers there is no evidence that humans are contributing. Those five statements were removed by the top bureaucrat at the IPCC and replaced with one statement that said there is no doubt that humans are causing this. He was asked about that under oath in a legal action. Why did he remove those statements? He said under immense pressure from the top of the Federal Government of the United States.

1930

Now, “consensus” doesn’t mean much in science. “Consensus” is important in politics. In science, we have to be seeking truth and fact. Indeed, in science, only two conditions are ever obtained. One is theory and the other is fact. You put forth your theory. You release your underlying documents and sources and methods, and you let your peers look at it, critique it, and try and replicate it. That is the point at which I got very nervous about this science because I tried to get underlying documents from Jim Hansen, who had the first computer model. He first testified before Congress in 1989. I believe, in the Senate. He recently attested, recently spoke in England. He said, We have 4 years to save the planet. He doesn’t release his source documents because he is an employee of the Federal Government. The Federal Government ought to own those documents. They ought to be released. When somebody is hiding something, when somebody is hiding something you begin to wonder why he is hiding it.

Mr. BARTON of Texas. It would be similar if we held an election and if we just said, Assume that I won—

Mr. LINDER. That’s right.

Mr. BARTON of Texas. But we didn’t release the documents, and we didn’t release the ballots, and we didn’t let them be audited, and we didn’t have a canvassing committee.

Mr. LINDER. That’s correct.

Mr. BARTON of Texas. We just said, We’ll assume that, since Congressman LINDER says he won, he did win.

Mr. LINDER. What we are learning from East Anglia—and I want to make a point that the gentleman from Texas didn’t make—is that there should be in the public domain anyway.

Mr. LINDER. I want to make a point that those are not stolen documents.

Mr. BARTON of Texas. Well, they should be in the public domain anyway.

Mr. LINDER. Of course.

But somebody working inside that organization realized they were destroying documents that were being asked for in the Freedom of Information Act, and someone released those documents. I believe that we ought to be thinking about releasing everything. Let scientists pour over it and establish whether the theory is actual or a fact and move on.

Mr. BARTON of Texas. I agree.

We want to now turn to the Congress- man from New Orleans, Louisiana, a member of the Energy and Commerce Committee, Congressman SCALISE.

Mr. SCALISE. I want to thank the gentleman from Texas for yielding and the gentleman from Georgia for opening up this discussion.

Of course, what we are talking about and the reason this is so important is that many of the different world leaders are getting ready to meet in Copenhagen, Denmark, to start discussing a Kyoto II-type treaty—a treaty for many countries, including the United States, to literally change the way our entire manufacturing base operates.

Of course, here in Congress, we’ve been debating the proposal by Speaker PELOSI and others to codify that type of treaty in the form of the cap-and-trade national energy tax. They are trying to bring a national energy tax to every home, every office, not only businesses but also individuals in their household electricity use for using fossil fuels. It’s all in the
name of stopping manmade global warming.

So what brings us to this debate that you are focusing on is the fact that we have found out recently through Climategate that the science that they are using is corrupt. In fact, behind much of the scientific work that has been used to try to sell a cap-and-trade energy tax, that has been used to try to sell the Kyoto Treaty and now this new meeting in Copenhagen to have a Kyoto II-type agreement, all of it was based on corrupted scientific data.

If you go back to former Vice President Al Gore, who said, The debate is over, he was trying to imply that all of the scientists are in agreement. Of course, as my colleague from Georgia pointed out, the scientists are not in agreement.

What is even worse is now we have found out and have uncovered this scandal where some of the scientists who have been collecting data through the United Nations Environmental Panel on Climate Change, the IPCC, which is the respected body worldwide on all of this data—it turns out, as the clearinghouse, they were actually corrupting the data that is being used.

In the emails through these emails, Phil Jones, who just resigned, said, I’ve just completed Mike’s nature trick—he goes on—to hide the decline in temperatures.

We go back to the infamous hockey stick, which Al Gore used in his film, “An Inconvenient Truth.” I guess the most inconvenient truth for the former Vice President is that these emails have now come out and have exposed the scandal.

If the gentleman from Texas will allow me, I want to read a few other of the emails. I know my colleague from Illinois earlier highlighted some of the other emails.

Yet, just to show how deep this is, first, a Jones in an email last year said, Mike, can you delete any emails you may have had with Keith regarding the AR4 data set? Keith will do likewise. He says, Can you also email Gene and get him to do the same? I don’t have his email address. We will be getting Caspar to do likewise.

So here he is talking about deleting data, deleting the emails which show that some of this manipulation and corruption of the data was going on. This is Dr. Jones, who is the director of the University of East Anglia’s Climatic Research Unit. He is a scientist who should not only understand the importance of following the facts, of following the data, but who should also understand that, as others try to verify this data, that the something that he should be openly and freely willing to share.

Mr. BARTON of Texas. The AR4 data set is the data set that was used in the IPCC reports in 2007, so it’s a seminal document that has been used for policymaking decisions, not just in the United States but all over the world.

Mr. SCALISE. Exactly.

Mr. BARTON of Texas. What you are saying is that they went to some lengths to manipulate the data that that report is based on.

Mr. SCALISE. They went to lengths to manipulate the data, and then they went to lengths to actually delete, to try to destroy the evidence, in essence—some of that data—as you know as the ranking member of Energy and Commerce and when we were having that debate here in committee and on the House floor on the cap-and-trade energy tax.

Many of the people who have been promoting that national energy tax— Speaker PELOSI and her liberal attendants and others—are using that IPCC data to say, Look, we need to act quickly because the data shows. Of course, now we know that the data was corrupted.

Then he goes on—and we are all familiar in this country with the freedom of information. This administration is saying they were going to be the most transparent administration ever. Yet you look at these emails further, and he says—this is an email—The freedom of information line we are all using is this. So he is telling this to some other scientists who were involved in this corruption. He says, The IPCC is exempt from any country’s Freedom of Information Act. The sceptics have been told this. Even though we possibly hold relevant info, the IPCC is not going to— and then he goes on to say, therefore, you don’t have an obligation to pass it on.

So he is trying to lay out this groundwork so that he doesn’t even have to turn over his data. This is, I think, before he destroyed it.

Then he says, If the Royal Meteorological Society is going to require authors to make all data available—raw data plus results from all intermediate calculations—he says, I will not submit any further papers to the RMS Journal.

This is Phil Jones—again, leading scientist—whose data is used by many of these people all throughout the world to try to pass Kyoto-type agreements in the cap-and-trade energy tax that’s getting ready to be debated over in the Senate.

Mr. LINDER. Will the gentleman yield?

Mr. SCALISE. Yes, I will yield to the gentleman from Texas.

Mr. LINDER. Sadly, that data that the IPCC uses from East Anglia is also the basis of the data that NASA uses in Huntsville, Alabama, and all of the other future models that have been built have been, in essence, based on that data. So there is no place to go now, since all of the source documents have been thrown away, to reconstruct all of that.

Mr. SCALISE. It is really frustrating because those who have different opinions, who have tried to present alternative data to this corrupt scientific data, and they have been blacklisted. In fact, I won’t go into detail on this here, but that information will continue to come out. In some of the emails, they actually go on to describe how they are going to try to blacklist other scientists who try to propose data which shows something different than theirs—in fact, even say, that they are going to withhold some of their journal writings so that they won’t even publish some of this information.

I go on to say this because they are trying to use this corrupt data, this corrupt scientific data, to try not pass it even if Congress won’t pass it because the American people have realized this will run millions of jobs out of our country.

Many groups, one being the National Association of Manufacturers, pointed out that it will run millions of jobs out of our country.

The SPKTER pro tempore. There are 12 minutes remaining.

Mr. BARTON of Texas. May I ask the Chair how much time we have remaining in our Special Order?

The SPEAKER pro tempore. There are 12 minutes remaining.

Mr. BARTON of Texas. There are 12 minutes. Okay.

At about 10 minutes to go, I have got some documents I want to put in the RECORD.

Mr. SCALISE. I yield back.

Mr. LINDER. I want to make one point.

The data that you are talking about and that we are acting on in this country with cap-and-trade is also the data being used in Copenhagen today, as we speak, to begin what Al Gore called the ultimate reason for all of this: global governance, turning over the sovereignty of the United States to an unelected bureaucracy and the United Nations.

Mr. BARTON of Texas. I want to thank Congressman SCALISE, Congressman LINDER, and Congressman Shimkus for participating in this Special Order.

What we are attempting to do is to actually use the scientific method to determine what steps, if any, the United States Government should take policy-wise if, in fact, climate change or global warming is a major problem that needs to be addressed. It does appear, in my opinion, that there is reasonable doubt about whether we should
take some of the radical steps that have been espoused in the climate change bills which have passed the House and which are pending in the Senate.

I want to take the remaining time and get through some of the other emails that have just become public—we've alluded to them—and go into a little more depth.

The first email which we have already alluded to is from Michael Mann. Michael Mann is a climatologist at Penn State University. He is one of the leading scientists in the IPCC. He is the author of the original hockey stick theory that is kind of the genesis, the seminal document, for the theory that mankind-made CO₂ is the cause of the climate warming in the world. This is a document from him to Phil Jones, who was, until recently, the head of the Climate Research Unit at East Anglia University in Great Britain.

Now, Dr. Jones resigned in the last week of December. It says, Can you delete any emails that you've had with Keith—Keith is Keith Briffa—regarding AR4?

AR4 is a U.N. IPCC fourth assessment document from 2007. It's one of these policy documents that is used around the world.

You can see that he says, I am going to contact Gene about this.

Okay. Gene is actually Eugene Wahl. He is at the National Oceanic and Atmospheric Administration's office in Boulder, Colorado. That's with the U.S. Department of Commerce.

He said, I am going to contact Gene about this. Can you delete any emails that you have? I'll get Caspar to do likewise.

Caspar is Caspar Jones—I mean Caspar Ammann. He is at the National Center for Atmospheric Research, or NCAR, in Boulder, Colorado. It's a federally supported consortium.

So, in the email, we have collaboration between NOAA, NCAR—both in the United States—the Climate Research Unit, which is CRU in East Anglia, Great Britain, and many prominent IPCC contributors coordinating document destruction. I think that is something that policymakers here in the United States should be concerned about.

Now let's go to the next document, email No. 2. Now, the first one was from Michael Mann to Phil Jones. This is from Phil Jones to a gentleman named Tom Wigley. His subject is: Schles suggestion. This is last year, December of 2008. It says, I am supposed to go through my emails, and he can get anything I've written about him. About 2 months ago, I deleted loads of emails, so we have very little, if anything, at all.

So what this is showing is, or one could say, they have conspired to delete data. This is of Ben Santer, who is a prominent climate modeler at the Department of Energy's Lawrence Livermore National Laboratory, and of Tom Wigley, who is a scientist at the National Center for Atmospheric Research in Boulder, Colorado.

The gist of this is he has already deleted a lot of emails from 2 months ago. What are they trying to hide here?

Now, let's go to email number 3. Email number 3 shows an unprecedented data purge at the CRU in East Anglia, Great Britain. Here is a public index of documents on one day and then here is the public index on the next, very quickly, after they have gone through and purged all, purged all of this. It says the next day, on July 28, Phil Jones deleted data from his public files, leaving online a variety of files from the 1990s. This morning, everything in Dr. Phil's directory has been removed.

It's not just the emails that have been deleted, in a widely reported event. Steve McIntyre is a Canadian researcher who testified before Congress several years ago when I was chairman, and who has been attempting to get these data sets, to get these documents, he has been trying to get, through the Freedom of Information Act, the public documents that some of these studies are purported to be based upon. Instead of releasing them, they purged them. They took them away in what is reported to be an unprecedented data purge.

They have deleted files pertaining to station data from the public directories. Why? Where are the data now if they are still in existence? What is it they are trying to hide? If the temperature data records really proved their theory, they would want to publicize them. At least I would think that they would.

Let's go to number 4. This is an email from Phil Jones, who we know now well, to a gentleman named Nick Nichols, let's see, Mr. Nicholls, I am not sure who Mr. Nicholls is, but here it says, I hope I don't get a call from Congress. I am hoping that no one there realizes I have a U.S. Department of Energy grant and have had this with Tom W. for the past 25 years.

This is back in 2005. This is when I was chairman of the Energy and Commerce Committee, and we were conducting the investigation into Dr. Mann's hockey stick proposal, hockey stick theory, and we had asked for some documents from Professor Mann, or Dr. Mann, and this gentleman is saying we hope the Congress doesn't realize that we are getting Federal money; we don't want them to be asking about documents.

Of course, as we now know, they have destroyed many of those documents or apparently have destroyed many of those documents.

Let's go to number 5. Now, this document about the lengths to which they will go to suppress information, says if they ever hear that there is a Freedom of Information Act now in the UK, I think I will delete these rather than send them to anyone.

Now, Congressman Markey, who is a good friend of mine and who is a believer, a proponent of mankind-made global warming, has got data sets that he says justifies the money; we don't want them to be asking for by the U.S. tax payers and funded by U.S. scientists is now out of reach of the U.S. taxpayer? I think that's just flat wrong, Madam Speaker.

My last email is number 7, and this shows, while they accuse people like myself of trying to be bullies and to ostracize people, here is an email where...
again this Professor Mann. Michael, it's to Michael Mann from a gentleman named Malcolm Hughes, just a heads up; apparently the contrarians now have an in with GRL.

GRL, which is the Geophysical Research Letters, a prominent climate journal. This gives that we have a prior connection with the University of Virginia Department of Environmental Sciences that causes me some unease. Then later on—this is truly awful. If you think that Sayers is in the greenhouse skeptics camp, then if we can find documentary evidence of this, we could go through official ATU channels to get him ousted. They are trying to ostracize those that are honest enough to say that they have some doubts about the theory.

I will end with this: The theory of global warming caused by mankind is just that, it is a theory; it is not a fact. As U.S. taxpayers and as the guardians of the U.S. taxpayers, we should demand that the facts be made public so that we can make a relevant policy decision.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4213, TAX EXTENDERS ACT OF 2009

Mr. PERLMUTTER, from the Committee on Rules (during the Special Order of Mr. Barton of Texas), submitted a privileged report (Rept. No. 111–364) on the resolution (H. Res. 955) providing for consideration of the bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4173, WALL STREET REFORM AND CONSUMER PROTECTION ACT OF 2009

Mr. PERLMUTTER, from the Committee on Rules (during the Special Order of Mr. Barton of Texas), submitted a privileged report (Rept. No. 111–365) on the resolution (H. Res. 956) providing for consideration of the bill (H.R. 4173) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes, which was referred to the House Calendar and ordered to be printed.

MASSIVELY EXPENSIVE AND ECONOMICALLY DESTRUCTIVE CAP-AND-TRADE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes.

Mr. ROHRABACHER. Let me agree with the distinguished ranking member that global warming is something other than what has been presented. He said it's a theory. I would suggest that as we go on with my speech, you will learn that it is a fraud.

Madam Speaker, not too long ago I stood here and said it's a theory. I would suggest that as we go on with my speech, you will learn that it is a fraud.

Step two came in 1997 when the Kyoto Protocol established enforceable mandates, mandates stating the objectives and timeframe that were later added in an earlier network agreement that was sent on to the Senate by President Bush. The 1997 protocol was different than the earlier one because it had enforceable mandates to meet the objectives that were signed earlier. That treaty would have meant a fundamental altering of our economy, with a dramatic negative impact on the lives of our people. With the Republicans in control of the Senate at that time, President Clinton never submitted the Kyoto treaty for ratification.

Then in 2001 President George W. Bush said that we would not sign the Kyoto treaty due to the enormous cost and economic dislocation associated with complying with the Kyoto mandates, and that was the end of what would have been step number two.

Here we are at step number three, and while a Kyoto-like agreement is not likely, Copenhagen may well lay the foundations for the future that the globalists who are pushing this agenda envision for us, what they envision for the United States, U.S., us. The threat to us is there, and it is real.

A few months ago, H.R. 2494, the so-called cap-and-trade bill, passed the House and is now awaiting action in the Senate. That far-reaching legislation seeks to put in place taxes and regulatory policies that exactly parallel what the Copenhagen crowd would mandate and can be traced back to that same alliance between our domestic, radical environmentalists and a globalist elite.

This unholy alliance has already had an impact. It is no accident that for over the past 20 years America has been strangled in its cradle. The Federal Bureau of Land Management, which is unduly influenced by radical environmentalists, has prevented the building of solar-powered electric generating facilities in America's vast desert. This supports the habitat of lizards and insects, which are obviously more important to these elitist decision-makers than the quality of life of human beings. Our quality of life, us.

In essence, our economy has been and is now being starved of traditional energy development. Even the much-acclaimed solar energy alternative has been belittled and rejected.

The Copenhagen conference is the culmination of efforts that began in earnest back in 1992. That was the year our President, George H. W. Bush, submitted the U.N. Framework Convention on Climate Change to the Senate. It was quickly adopted by a voice vote.

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life to remake America whether we like it or not. This isn’t about green power; it’s about raw political power exercised over our lives.

A few decades ago, the globalist radical environmental alliance latched onto the Kyoto treaty theory to rally their power grunts. The theory is that the world is dramatically heating up because of how we human beings live, especially us Americans. So controlling us must be the answer to saving the planet from heating up and up and up.

When they geared up their crusade, our planet was in one of its many warming cycles. But the illusion that they were trying to create began to disintegrate about 9 years ago when the Earth quit warming and now may be in a cooling cycle. Undaunted, the fanatic claims and their predictions of global warming have now been transformed into a new, all-encompassing warning. So “global warming” was the phrase that was yelled and screamed at us for almost a decade, but now that has miraculously been changed into “climate change.”

Do they think that the American people are stupid? Do they think that we now believe their predictions of rapid rises in temperatures and that those predictions have been proven 100 percent wrong?

Even the much-touted melting of the Arctic ice cap has reversed itself in the last 2 years and is now refrigerating and enlarging. The warming has ended, but the power grab continues. What we now are finding out is exactly how ruthless and, yes, how deceitful this power grab has been. It is becoming ever more apparent that during the 1990s, many scientists who refused to go along with the global warming paradigm were denied research grants. Prominent scientists like Dr. William Gray, former president of the American Meteorological Association, found themselves repeatedly rejected for research grants despite their careers of distinguished research excellence and accomplishments.

The liberal press ignored those transgressions, ignored that repression of opposing views. Yet the same press made it a huge controversy when during the Bush administration NASA asked Richard Hansen, who was NASA’s most vocal global warming activist, if he would accept a modest grant to pursue his ideas. When Hansen was publishing the opinions that he was publishing were his opinions and not necessarily endorsed by NASA. Well, the press made that into a horrible attack on his rights.

This was censorship. There were hearings in Congress about that, simply asking this man to acknowledge that it was his opinions and not the official opinions of NASA. Well, how does that compare with the coverage and the outrage over outright repression and denial of research grants to prominent scientists? How does that compare with the outrage over outright repression and denial of research grants to prominent scientists? How does that compare with the coverage and denial of research grants to prominent scientists? How does that compare with the coverage and denial of research grants to prominent scientists?

Zealots can usually find high-sounding excuses for their transgressions. This abusive attack on Happer and so many others, so many other prominent scientists, of course, was perpetrated in the name of protecting all of us from a climate calamity that none of us can imagine. Global warming that we were repeatedly warned was going to fry the planet. We can still hear alarming claims of a disastrous upward jump in temperatures, rising sea levels, Arctic meltings, forest fires, hurricanes, acid seas, dying plants and animals. Every climate-related disaster that a Federal research grant can conjure up we’re hearing about because that’s how they get their government grants. That’s how the power grab continues.

Professional figures in white coats with authoritative tones of voice and lots of credentials repeatedly dismissed specific criticism of what they were proposing by claiming that their so-called scientific findings had been peer reviewed, verified by other scientists. Rather than honestly discussing the issues that were being raised, they portrayed themselves as beyond reproach. They’ve been peer reviewed. So why even discuss any specific criticism? Just dismiss it.

They gave each other prizes as they selectively handed out research grants. Those who disagreed no matter how prominent were treated like non-entities, like they didn’t exist, or they were personally disparaged, labeled deniers, you know, like Holocaust deniers. How much uglier can you get? But such tactics won’t work forever.

It’s clear their steamroller operation is beginning to fall apart. We know that because we hear scientists who have been clamoring for subservient acceptance of their theory of man-made global warming, we now can find out and we now understand that those very same scientists, they themselves were making a sham out of scientific methodology and were indeed repressing dissent and destroying peer review.

I’m speaking, of course, about the over 1,000 emails and 3,000 other documents of communications with a few of the foremost global warming research institutes in the world, the Climate Research Institute at East Anglia University in the United Kingdom. Let me acknowledge, yes, a hacker or possibly a whistleblower may have been responsible for making this information public, but contrary to the frantic attempt to distract attention away from the clear wrongdoing and arrogance that was exposed in these communications, contrary to that, how those documents are relevant. It’s the truth of these emails that counts, not how the information was obtained.

What do these formerly private and now exposed communications say? One email is from Kevin Trenberth, head of the Climate Analysis Section at the National Center for Atmospheric Research in Boulder, Colorado. In it he describes his utter frustration with the denial of research grants that required, contrary to his clique’s predictions of a looming global warming disaster. Even more frustrating, the temperatures being recorded, contrary to his augury observations and predictions, contrary to their theory of global warming, much colder than usual.

And here, folks, is the clincher: Trenberth laments in this email, in this formerly secret communication, “The fact is we can’t account for the lack of warming at the moment, and it is a travesty that we can’t.” Rather than reconsidering his position, he is complaining. He can’t find a cover thick enough to hide his errors.

So what do you do if those gosh darn naysayers show that there is no global warming? Well, you fudge the numbers of course. There is a 1999 email from Phil Jones, the center’s director, talking about a “trick” in the presentation of data intended “to hide the decline.”

What does “hide the decline” mean when he says “hide the decline”? A decline in global temperatures, of course. These people who are touting global warming are talking about hiding the decline in temperatures that would prove that there is no global warming going on at this time.

To those who have followed this issue closely, this is nothing new. We have seen it before. There was a famous graph produced by Michael Mann, one of the most prominent global warming advocates. His famous graph, as well as his highly touted lectures, deleted the existence of a warming period in the Middle Ages and the 500-year decline in the Earth’s temperature, which ended in the Little Ice Age. Those very real temperature cycles were left out of his graphs. And many of the newly revealed emails detail that this was intentional deception.

Mann’s graph indicated centuries-long stability instead of two distinct climate cycles going up and down. And then after presenting a graph that just had centuries-long stability, then we were shown a jump in temperature that looked like a hockey stick, the end of a hockey stick. Stability and then a big jump forward. That graph was a fake, and the jump in temperature he predicted didn’t happen.

So now the climate elite has simply deleted the hockey stick graph from their presentation even though it was a distinct part of their presentation for years, just as Mann had deleted the preceding warming and cooling cycles when he analyzed modern temperature trends and put them into his graph.

Most honest and level-headed scientists from around the world raised serious questions, well-funded global warming alarmists were hard pressed
to answer critics. So what is a true believer to do when you hear criticism? Well, shut up the opposition of course. No, don’t consider what the opposition is saying. Don’t try to have an honest dialogue. No, shut them up.

Here’s Phil Jones again, this time about censoring criticism: “I can’t see either of these papers being in the next IPCC report.”

Let’s stop right there. So here he is trying to leave out of the IPCC report papers that were contrary in view: yet they stout over and over again that the IPCC is the basis for their credibility. It’s all the time talking about the IPCC report. Yet here we have a quote talking about how they’re trying to censor what goes into that report.

Quoting further: “Kevin and I will keep them out,” meaning this information out of the IPCC report, “even if we have to redefine what the peer-review literature is.” And these are the same people who were proclaiming that their credibility came from the IPCC and peer-reviewed research.

Well, let’s look at what happened next when an editor of an academic journal felt under to this kind of pressure and actually publishes the work of a skeptical scientist. Here’s what Jones says: “I will be emailing the journal to tell them I’m having nothing more to do with it until they rid themselves of this troublesome editor.” This guy is conspiring to get the editor of a research publication fired. And what was it for? For publishing a contrary review.

Is this science? These emails are filled not with answering critics but with the effort to stifle the right to question what these people were advocating.

Significantly, man-made global warming alarmists have continually counseled one another to dismiss tangible questions and asserting that peer reviews backed them up. Well, now we can see the evidence that these self-righteous snobs who saw themselves as above criticism were manipulating the peer review process so no one with other points of view could actually participate. Get that?

They say you can’t question our material because ours has been peer reviewed and your criticisms haven’t, but they themselves were undermining the ability of those critics to have their credibility taken seriously. Certain scientists receiving Federal research grants are betraying the standards of their own profession. And, yes, as I say, perhaps breaking the law. Countless numbers of our own people will suffer job losses and a decline in their standard of living if policies based on phony science, bad practices, the suppression of dissent and outright lies are put in place and enforced. Before any action is taken by this Congress on cap and trade legislation, a full inquiry into this horrific abuse of scientific conduct.

Wake up, America. They are trying to steal our freedom with lies and scare tactics. The Good Book says, “The truth shall set you free.” A caveat might be, “And a lie can destroy your freedom.” Professor Jones is one of the least perplexing of all, the global warming elite continues to herald their projections of man-made gloom and doom. They try to ignore the uproar that we’ve had with these emails. They ignore it, or they just change the subject. But this recent revelation of these emails seriously calls into question the basic science that these man-made global warming fanatics claim to be irrefutable. Well, let’s look at this so-called “irrefutable science” that is the basis of the man-made global warming advocates.

I fact—and I would make this very clear at this moment—would challenge any Member of Congress to come here and debate me on the science of this issue. Let me make that clear. This Congressman, I am a senior member of the Science Committee. I challenge any of the advocates of man-made global warming to come here and debate me on the science of the issue. We shouldn’t be dismissing our opposition’s arguments any more than those scientists should have been. We are here to make policy and to determine truth. Let’s have an honest debate on this.

First, let’s talk about the so-called global warming cycle that’s being used as an excuse, or as a reason to look at human activity, the global warming cycle that’s being caused by human activity. That’s fundamental to this whole issue. We know that there have been weather and climate cycles throughout the long history of our planet. That’s going back to prehistoric times. There has been cycle after cycle. So much of the so-called recent of these cycles, the so-called cycle by Dr. Michael Mann, a cooling cycle that reduced temperatures on this planet for 500 years. That was between 1300 and about 1850. It’s called the Little Ice Age. Amazingly, with a straight face, the global warming alarmists are using the low point in a 500-year cooling cycle as the baseline for determining if humankind is making the planet hotter. This time, God should declare an emergency because, according to the alarmists, the Earth is a tiny bit, perhaps 1 degree warmer than it was at the bottom of a 500-year decline in temperature. Professor Mann said it best, “Let’s wipe that out to del- ete it from his graphs and pretend it didn’t happen, but this has been well documented. I remember there was a History Channel report going through the entire time of this mini Ice Age.

Our current climate cycle is no different than the other numerous cycles that preceded it. It is dishonest to create hysteria by using the end of a cycle known as the Little Ice Age at a 500-year low in the Earth’s temperatures as a baseline for apocalyptic claims that it is now getting extraordinarily warmer. On top of that, as people, the alarmists are claiming that it’s our fault. It’s the people, it’s us. We’re the bad guys. We’re the ones making the climate go up so much warmer than it normally is and they’re using as a baseline a 500-year low in the Earth’s temperatures.

So science question challenge No. 1: Are man-made global warming advocates using an unrealistically and unreasonably cooler moment as the baseline for their analysis? Question No. 2: What are the causes of the climate cycles that we’ve been talking about? The alarmists claim it’s us. It’s people. There were such cycles, of course, in the Earth’s temperatures and climate even before prehistoric man existed. If there were such cycles, then there must be some explanation other than human activity, because this was before humans existed, there must be some other explanation for the weather and temperature trends of those days. When was the last time we had an explanation? Many scientists believe cycles of climate have resulted from solar activity. After all, the sun is the biggest source of energy on our planet. The biggest. Everything else pales in comparison. Some of the revealed emails are specifically aimed at debunking this explanation by altering graphs and data. The solar explanation is consistent with the fact that climate cycles on Earth parallel cycles taking place on other planets. What’s right; like Mars, or the moons of Jupiter which have similar and simultaneous cycles to those on our Earth. But the global warming gang is intent on blaming us.

In recent years, for example, human activity has been declared the culprit causing the melting of the Arctic ice cap. Who hasn’t seen pictures of sad-looking polar bears stranded there on an ice floe? Previously a victim of man-made global warming, ice caps in the north no longer play on our emotions, but it is presenting a distorted and dishonest picture of reality. Yes, until recently the
Arctic ice cap has been retreating. There is no doubt about that. But what about the ice cap on Mars? Yes, at the same time our Earth's ice cap was retreating, the ice cap on Mars was retreating; mirroring, paralleling what was going on on Earth. Does that indicate to you or me that we're wrong about something that might have been caused by the sun and not by too many people driving SUVs or using modern technology? So maybe it's the sun that has affected the habitat of the polar bears, just as other things have affected the habitat of the plants and animals living in the time when those cycles kicked in.

By the way, there's something to keep in mind when one hears for the umpteenth time that the polar bears are becoming extinct. The polar bears are not becoming extinct. In fact, the number of polar bears on this planet has dramatically expanded. There are four to five times the number of polar bears in the world today than there were in the 1960s. And I have spoken before groups of students and they have been given this lie over and over again and they are crestfallen to hear that maybe what they've been told are lies. Yes, lies. The extinction of the polar bear is about as real as the footage of dissipating ice caps in former Vice President Gore's movie An Inconvenient Truth. That, too, was a scam. A special effect made of Styrofoam was presented to us, especially to teaching children, to create the illusion that this was documenting the melting and breaking off of the Arctic ice cap. It was Styrofoam. Styrofoam. It was phony, just as many of the arguments presented in that movie were phony; were false.

So here's another scientific challenge. Number 2: If there have been many other cycles and if the ice cap is melting on Mars just as it is here, how can this climate cycle be a result of activity that is of solar activity? Which brings us to the theory of just what man does that supposedly creates global warming. Well, this allegation is based on the well-promoted theory that greenhouse gases—and according to the alarmists CO₂ is by far the worst culprit—these greenhouse gases and, thus, CO₂, the worst one of all, are trapping heat in the atmosphere and the increase of CO₂ levels is thus leading to a disastrous jump in the Earth's temperature. So let's look at this theory. I don't dismiss it. Let's look at it. Let's answer it. I wish the American people and the rest of us were paid an equal amount of respect by those people, the alarmists, who are advocating the man-made global warming theory. So let's look at this. Let's look at their theory now and give it an honest look. With all the hoopla about CO₂, nonscientists might believe that it is a huge part of the atmosphere. I want everyone here to listen and that the people listening, to ask themselves: What percentage do you think that CO₂ is of the atmosphere? Well, most people think it's a huge part. Some people I've asked have actually suggested it was between maybe 40 and 60 percent of the atmosphere.

Well, that's wrong. Wrong. People have been given a false impression. CO₂, carbon dioxide, is a minuscule part of our atmosphere. And, I say, most of the people I've talked to, even the highly educated ones, have thought that CO₂ makes up maybe 25, maybe 40, one guy even said 60 percent of the atmosphere. In reality, CO₂ is less than 0.04 percent of the atmosphere. It is not even one-half of one-tenth of 1 percent of the atmosphere. Not even one-half of one-tenth of 1 percent. This is a minuscule part of the atmosphere that we have been led to believe is having this dramatic impact on weather patterns.

And where did the minuscule amount of this CO₂, even though it's as small as it is, one half of one-tenth of 1 percent of the atmosphere, where did that minuscule amount come from? With all the hoopla, one would assume that most of the atmosphere's CO₂ can be traced to human activity. No. At least 70 percent of the CO₂ in our atmosphere has a natural source and has nothing to do with human activity.

I have been in Science Committee hearings where very prominent scientists have suggested it might be 80 or 90 percent of the CO₂ in the atmosphere coming from natural sources. But let's say, okay, at least 70 percent.

So the part of the atmosphere that is CO₂ generated by man is even less than minuscule. It is a minor part of a minuscule component, and if we suppress our standard of living enough to eliminate even one-tenth of man's contribution, then one big volcano, or maybe some forest fires could totally undo this supposed CO₂. And to get a 10 percent reduction means a dramatic attack on the standard of living of our people and the reallocation of trillions of dollars. We are to give up our own freedom and prosperity, and hand over such power as I have just mentioned to a global government or even to a centralized Federal Government here in the United States? All for that, for something for a step forward that could be erased by a big volcano or perhaps a series of forest fires? That's insane.

Well, undaunted, the alarmists point to increases in CO₂, which they label as alarming, of course. That's why they're alarmists; they call it alarming. Starting from such a minuscule level, however, it's like using a dribble to temper a barrel. That's its like using a very, very, minuscule amount or part of our atmosphere. So if there's an increase in that, it's not going to have the same impact as what most people have led to believe, the people who believe that it's 40 percent of our atmosphere.

But this increase, of course, no matter, has been described to us in such sinister terms that we are supposed to believe that it is making the world hotter, and so it's mankind, by increasing CO₂, making the world hotter. When trying to pull this off, they don't mention that in recent years, yes, have increased, but contrary to the alarmists' theory, the Earth's temperatures have gone down. Remember, we are being told that the rise of CO₂, which is a minuscule part of our thing, but the rise of CO₂ in our atmosphere is causing the atmosphere to warm. Again, there are clearly times when CO₂ has been going up but the temperature has gone down.

Inconvenient science. A course number 3, if manmade CO₂, which is a minuscule part of a minuscule element of the atmosphere, if that causes warming, then why is it that when mankind has been emitting more and more CO₂, like in this country, the fifth largest emitter, and at a time, at that same time when CO₂ levels in general were rising, why was there an actual cooling going on in our climate? This is true today, too. We have an increase in CO₂, but there's been a cooling going on, at least there hasn't been a warming for the last 10 years. Remember, no matter how they've tried to hide it—and that attempt to hide it is very clear in the emails that have just been exposed. No matter how they try to hide it, global temperatures have not gone up for almost a decade.

It should be noted that scientific core specialists now tell us that historically, over a course of 500 years, CO₂ increases followed temperature increases. It would appear that when it gets warmer, the Earth produces more CO₂. The alarmists have it totally backwards, and they're using that as evidence to argue we should increase their power to control our lives. It is a flawed theory. It is the warmer Earth that creates the CO₂ increase, not the other way around. But that would mean, of course, human beings, if they accept that it's the Earth and it's the warming of the Earth that creates more CO₂, that would mean that we human beings, that we're off the hook, and the globalists would have no excuse for their power grab and no excuse to control us, to tax us, and to regulate away our livelihood.

Well, it's not getting any warmer, and contrary to those trying to frighten us into giving up our freedom, CO₂ is not a threat to the planet and is not a polluting agent that is not harmful to human beings or animals. It is food for plants which then give us oxygen. Throughout the world, greenhouses, sometimes they're called hothouses, are growing vegetables by pumping CO₂ into these hothouses, they end up with bigger, juicier tomatoes, berries, and other crops.
CO\textsubscript{2} is not a threat to human health or a threat to the planet. During ancient times, before human beings, there were much higher levels of CO\textsubscript{2} in the air, and life on this planet flourished. Even in the oceans, which were, yes, more acidic, ocean life was robust and abundant. Today, if you look at what they're claiming, less than 1 degree of an increase in the global temperature. Information is also available from research and observation satellites and weather balloons, and, you guessed it, that source is in conflict with the ground-based data. Of course, no one is certain of that, because all of this we're talking about was the data before adjustments were made and before it was all deleted.

So how is this for a scientific challenge number 4, which focuses on the accuracy of the statistics being used to justify manmade global warming. Importantly, the alarmists who are raising all of this ruckus, they're doing it about less than 1 degree of an increase in the global temperature. So we hear all of this ruckus, but it's only increased, even by what they're claiming, less than 1 degree, or just about 1 degree over 150 years. So small inaccuracies can have huge implications to this process.

We've mentioned that found accuracy problems with 80 percent of America's National Weather Service stations which collected the data here in the United States. And worse, our system, even with 80 percent of the stations not meeting reliable standards, we've been heralded as the best in the world.

But what about the statistics gathered in the rest of the world, in the developing world, and in other countries? What about the statistics that were gathered here and abroad 100 years ago or 150 years ago? Does anyone have faith in those figures? Remember, that's what was fed into the computer. Let's remember also, garbage in, garbage out is a truism when it comes to computers. The whole basis of this so-called irrefutable evidence of global warming rests on computer models that were based on data collected from faulty systems.

And then during the Reagan administration there was a furor about acid rain, which was presented to us, again with a phony baseline. They said that the lakes in the Northeast and everything were becoming more acidic, and they used as their baseline the time immediately in the years that were after a massive number of fires in that area. It's a completely false start, and, thus, the acidity was not the natural acidity that they normally were at. And they were going back to the natural acidity. It was a phony baseline line, and it totally distorted the so-called problem.

The topper of them all, many of the very same gang now agitating over manmade global warming, they were the same people who were warning us about the coming ice age. And then, of course, we have to remember, there's a big price to pay for all of this, big price to pay for lies. Like, for example, the report that bird shells were thinning, which resulted in a gloating to all of the children in the Third World who lost their lives to malaria because of that ban. Apparently, birds were more important to those who made policy than those millions of poor and struggling children in the Third World who lost their lives to malaria, a disease that we had controlled before we banned DDT.

The cap-and-trade bill, rammed through the House by deceit and a smear campaign and now it sits in the U.S. Senate. If it becomes law, as I said on the floor, the debate, our economy will go to hell and our jobs will go to China. And yes, it will affect all of us big time. And that's what this is all about, changing our lives big time.

What are some of the long-term changes these steel-eyed fanatics behind cap-and-trade and global warming and behind the Copenhagen gathering want to make in our lives? It's a long run, but here's some of the things they want.

They want gas to at least double in price, probably triple, maybe more. Parking prices need to go up. Parking permits need to go way up. Air travel will be out of reach for ordinary people by elimination of frequent flier miles and discount tickets and simply dramatically raising the price of airplane tickets. Only the rich and powerful in their private jets and limousines will be free to travel as they please.

And there are restrictions on our diet. Embedded in the manmade global warming movement is a contingent of power freaks who want to restrict our meat consumption by limiting production. This is based on the idea that methane from cow flatulence threatens the stability of the planet's climate. This is insane. So hamburgers are out, much less backyard barbecues.

The prices of electricity, just like every energy source, would be pushed sky high, as will the price of almost everything that we consume because every manufacturing or farmed depends on energy. The goal is to put limits on human activity, especially human consumption. To these fanatics, anything used or consumed that is not essential is a waste of resources.

Ronald Reagan used to say about this crowd, they won't be satisfied until we all live in a card board box. So why is Congress on the verge of passing this monstrous legislation which will bolster the competitiveness
of China and India while undercutting our own economy and our way of life? This is a product of a radical environmentalist-globalist coalition. They want to build a whole new world based on benevolent control by people like them. They have a vision of a harmonious and balanced world, and they don’t mind scaring us into accepting it or imposing it upon us.

And that is where the real threat comes in. This is not just the EPA pushing aside to centralize power and controls in Washington, D.C., which is, in and of itself, contrary to what America is supposed to be all about. This is about centralizing power into the hands of global government. That is what Kyoto and Copenhagen are all about. That’s what the radical environmentalist and globalist alliance is all about.

Wake up, America. We still have time to stop this. We must fight the globalist clique that is trying to shackle future generations of Americans to a burden of economy-killing debt. They are chains that will be hard to break, but we must have the strength and the commitment to do it. We will not give up our freedom, and we are not powerless. We will stand together, Americans of every race and religion, of every ethnic group and social status. We will fight as united patriots, and we will win. Members of Congress need to hear from angry constituents, and I predict they will.

Yes, we need to overcome this power grab. We need to overcome this alliance between radical environmentalists and the globalists. But most of all, in order to win, we need to overcome apathy among the American people. It is when the American people rise up in a righteous rage that our freedom will be secured. This is a power that is aimed at destroying our freedom.

Wake up, America. We should not be giving more power to United Nation panels or anybody else or any other institution internationally that is composed of representatives that are controlled by gangsters and thugs that we would never dream of electing here in the United States, countries that don’t have any freedom of press. We’re going to give authority to enforce environmental laws and rules that we’ve never voted on to bodies like that? Or we’re going to go along with the EPA and push the Congress aside and elect officials aside and let that be imposed upon us by people who have never been elected to anything? No. We must stand up and defeat this power grab.

Wake up, America. Your freedom and prosperity are at stake.

I have three children at home: little Christopher, Arianna and Tristan. We owe it to them and the children of this country to pass on freedom and opportunity that has been passed on to us.

The sacrifice, the sacrifice of generations of Americans to provide us the democracy that we have, the democratic way of fighting these battles that we have. We will not see that destroyed.

We will instead use the democratic process in this fight and hold true to the principles, and what was passed on to us by generations of Americans, and we will also be true to future generations of Americans. But now it’s up to us. If we don’t act, this conspiracy of lies, of distortions, of the scientific community coupled with an alliance with a globalist who would centralize power in global government. No. We must defeat them, or we will not be living up to our responsibility, not living up to what we should be asked to do as Americans, and that is to pass on this freedom.

We are united patriots, and we will win.

With that, I yield back the balance of my time.

RECESS
The SPEAKER pro tempore (Mrs. DAKHLAKEY), pursuant to clause 12(a) of rule 1, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 8 o’clock and 50 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 2322

AFTER RECESS
The recess having expired, the House was called to order by the Speaker pro tempore (Ms. WASSERMAN SCHULTZ) at 11 o’clock and 22 minutes p.m.

CONFERENCE REPORT ON H.R. 3288, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010
Mr. OLVER submitted the following conference report and statement on the bill (H.R. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes:

(Book II of the House portion of the RECORD containing the Conference Report on H.R. 3288, dated December 8, 2009, will be published at a later date.)

LEAVE OF ABSENCE
By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Mr. HOYER) for today.

Mr. GARY G. MILLER of California (at the request of Mr. BOEINER) for today until 3 p.m. on account of travel.

Mr. RECHERT (at the request of Mr. BOEINER) for today on account of supporting the law enforcement community and the families of four fallen officers from the Lakewood Police Department in a memorial service in Tacoma.

Mr. ARCURI (at the request of Mr. HOYER) for today on account of official business in district.

SPECIAL ORDERS GRANTED
By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(To the following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.
Mr. DEFAZIO, for 5 minutes, today.
Mr. DICKS, for 5 minutes, today.
Mr. CONNOLLY of Virginia, for 5 minutes, today.
Mr. BENTAK, for 5 minutes, today.
Mr. MASSA, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.
(To the following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. AKIN, for 5 minutes, today.
Mr. PAUL, for 5 minutes, December 10 and 11.
Mr. JONES, for 5 minutes, December 15.
Mr. POE of Texas, for 5 minutes, December 15.
Mr. DUNCAN, for 5 minutes, today.
Mr. MORAN of Kansas, for 5 minutes, December 14 and 15.
Mr. ENGLIS, for 5 minutes, today.
Mr. OLSON, for 5 minutes, today.
Mr. Bordallo, for 5 minutes, today.

(SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 1422. To amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

ADJOURNMENT
Mr. OLVER. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o’clock and 24 minutes p.m.), the House adjourned until tomorrow, Wednesday, December 9, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.
Under clause 2 of Rule XXIV, executive communications were taken from the Speaker’s table and referred as follows:

4916. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department’s final rule — Defense Federal Acquisition Regulation Supplement; Whistleblower Protections for Contractor Employees (DFARS Case 2008-D012) (RIN: 0750-AG09) received November 12, 2009, pursuant to 5 U.S.C. 601(a)(1)(A); to the Committee on Armed Services.

4917. A letter from the Assistant General Counsel for Regulatory Services, Office of
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. RANGEL (for himself, Mr. Oberstar, Mr. Camp, Mr. Mica, Mr. Costello, Mr. Pitts, and Mr. Lewis of Georgia):

H.R. 4217. A bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to establish provisions for the airport improvement program, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. Considered and passed.

By Mr. TANNER (for himself and Mr. Sandlin):

H.R. 4218. A bill to amend titles II and XVI of the Social Security Act to prohibit retroactive payments to individuals during periods for which they are prisoners, fugitive felons, or probation or parole violators; to the Committee on Ways and Means. Considered and passed.

By Mr. WILSON of South Carolina (for himself, Mr. Kinzinger, Mr. Inglis, Mr. Broun of Georgia, Mr. Souder, Mr. Barrett of South Carolina, Mrs. Black, Mr. Blackburn, Mr. Miller of Florida, Mr. Forbes, and Mr. Akin):


By Mr. BUYER (for himself, Mr. Moran of Texas, Mr. Broun of Georgia, Mr. Bilirakis of Florida, Mr. Buchanan of Kentucky, Mr. Roe of Texas, Mr. Bilirakis of Florida, Mr. Hultgren, Mr. Broun of Georgia, and Mr. Broun of South Carolina):

H.R. 4220. A bill to amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs which improve the business concerns and employment assistance, and for other purposes; to the Committee on Veterans’ Affairs, and in addition to the Committee on Education and Labor, and Small Business, 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. BUYER (for himself, Mr. Roe of Tennessee, Mr. Bilirakis of Florida, Mr. Lamborn of South Carolina, and Mr. Boozman):

H.R. 4221. A bill to amend title 38, United States Code, to provide for improved acquisition of Veteran’s Affairs, and for other purposes; to the Committee on Veterans’ Affairs, and in addition to the Committee on Oversight and Government Reform, 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. GINNY BROWN-WAITE of Florida (for herself, Ms. Emerson, Mr. Souder, Mr. ROSKAM, Mr. LINCOLN DIAZ-BALART of Florida, Mr. PUTNAM, Mr. MARIO DIAZ-BALART of Florida, and Mr. MACIO):

H.R. 4222. A bill to provide for the establishment of the Office of Deputy Secretary for Health Care Fraud Prevention; to the Committee on Energy and Commerce.

By Mr. KILDEE (for himself, Mr. Ryan of Ohio, and Mrs. BOGERSHIMER):

H.R. 4223. A bill to support evidence-based social and emotional learning programming; to the Committee on Education and Labor.

By Ms. VELAZQUEZ (for herself, Mr. Frank of Massachusetts, and Ms. Wasserman Schultz):

H.R. 4224. A bill to establish a pilot program to train public housing residents as home health aides and in home-based health services to enable such residents to provide covered home-based health services to residents of public housing and residents of federally-assisted rental housing, who are elderly, disabled, or have special health care needs; to the Committee on Financial Services.

By Mr. COSTA (for himself and Mr. CARDOZA):

H.R. 4225. A bill to authorize drought assistance adjustments to provide immediate funding for projects and activities that will help alleviate record unemployment and diminished agricultural production, and to combat the drought in California; to the Committee on Natural Resources.

By Mr. REICHERT (for himself, Mr. King of Washington, Mr. Davis of Kentucky, Mr. Blumenauer, Mr. Lee of New York, and Mr. Perrillo):

H.R. 4226. A bill to amend the Internal Revenue Code of 1986 to improve and extend certain energy-related tax provisions, and for other purposes; to the Committee on Ways and Means.

By Mr. SCHRADER (for himself, Mr. Walden, Mr. Baird, Mr. Herseth Sandlin, Mrs. McMorris Rodgers, Mr. Mink, Mr. DeFazio, and Mr. Schaffer):

H.R. 4227. A bill to provide for funding and adjustment adjustments to provide the Secretary of Agriculture to provide loans to support the conversion of energy generation or heating and cooling systems to the use of renewable biomass; and for other purposes; to the Committee on Agriculture.

By Mr. ALEXANDER:

H.R. 4228. A bill to require the Forest Service to accommodate, to the extent consistent with the management objectives and limitations of forest and rangeland system lands at issue, individuals with mobility disabilities who need to use a power-driven mobility device for reasonable access to such lands; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, 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. BEAN (for herself and Mrs. CAMPA):

H.R. 4229. A bill to amend the Real Estate Settlement Procedures Act of 1974 to ensure that borrowers under federally related mortgage loan programs have an opportunity to inspect closing documents; to the Committee on Financial Services.
By Mr. BLUMENAUER:
H.R. 4230. A bill to limit access of Members of Congress to Government-administered health care benefits so long as comprehensive health care legislation has not become law; to the Committee on House Administration, and in addition to the Committees on Oversight and Government Reform, Ways and Means, and Energy and Commerce, and the 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. CAO:
H.R. 4231. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to reduce the rate of occurrence of homicides and violent crimes in violent and drug crime zones; to the Committee on the Judiciary.

By Mr. CASTLE:
H.R. 4232. A bill to extend the temporary duty suspension on certain rayon staple fibers; to the Committee on Ways and Means.

By Ms. HERSETH SANDLIN (for herself, Mr. WALDEN, Mr. BAIRD, Mrs. MCDERMOTT, ROUCKES, and Mr. SCHRADE):
H.R. 4233. A bill to amend the Healthy Forests Restoration Act of 2003 to expand the areas covered under the Act, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, 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. SAM JOHNSON of Texas:
H.R. 4234. A bill to provide for the commemoration of the 60th anniversary of the Korean war; to the Committee on Armed Services.

By Mr. KENNEDY:
H.R. 4235. A bill to amend the Public Health Service Act to provide assistance for graduate medical education funding for women’s hospitals; to the Committee on Energy and Commerce.

By Mr. COHEN:
H.R. 4236. A bill to amend the Internal Revenue Code of 1986 to provide a temporary exclusion of 100 percent of the gain on the sale or exchange of small business stock; to the Committee on Ways and Means.

By Mrs. MALONEY (for herself, Ms. ROS-LEHTINEN, and Mr. NADLER of New York):
H.R. 4237. A bill to ensure that the courts of the United States may provide an impartial forum for claims brought by United States citizens and others against any railroad organized as a separate legal entity, arising from the deportation of United States citizens and others to Nazi concentration camps on trains owned or operated by such railroad, and by the heirs and survivors of such persons; to the Committee on the Judiciary.

By Ms. MARKNEY of Colorado (for herself, Ms. DeGEOITTE, Mr. POLIS, Mr. SALAZAR, Mr. LAMBORN, Mr. COFFMAN of Colorado, and Mr. PHELTMUTTER):
H.R. 4238. A bill to designate the facility of the United States Postal Service located at 930 39th Avenue in Greeley, Colorado, as the “W.D. Fair Post Office Building” to the Committee on Oversight and Government Reform.

By Mr. MEKK of Florida (for himself and Ms. Berkowitz of Florida):
H.R. 4239. A bill to amend the Internal Revenue Code of 1986 to modify the exception from the 10 percent penalty for early withdrawals from governmental plans for Federal and State qualified public safety employees; to the Committee on Ways and Means.

H.R. 4240. A bill to provide for a grace period in which durable medical equipment suppliers may meet Medicare accreditation standards; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICHAUD:
H.R. 4241. A bill to amend chapter 17 of title 38, United States Code, to allow for increased flexibility in payments for State veterans homes; to the Committee on Veterans’ Affairs.

By Mr. MORAN of Kansas:
H.R. 4242. A bill to amend the Internal Revenue Code of 1986 to provide incentives for used oil re-refining, and for other purposes; to the Committee on Ways and Means.

By Ms. LINDA T. SANCHEZ of California (for herself and Mr. BRADY of Texas):
H.R. 4243. A bill to permit the issuance of tax-exempt bonds for air and water pollution control facilities; to the Committee on Ways and Means.

By Mr. SCHOCK (for himself and Mr. NYL):
H.R. 4244. A bill to amend the Internal Revenue Code of 1986 to provide a simplified research tax credit for small businesses; to the Committee on Ways and Means.

By Ms. HERSETH SANDLIN (for her self, Mr. WASHINGTON, Mr. ROHRABACHER, Mr. AKIN, Mr. BROWN of Georgia, Mr. SHERMAN, Mr. BILIRAY, Mr. BARTLETT, Mrs. ROGERS, and Mr. SMITH of Texas):
H.R. 4245. A bill to authorize the Secretary of the Army to provide assistance relating to water resource protection and development in the U.S. Virgin Islands and Puerto Rico; to the Committee on Transportation and Infrastructure.

By Mr. WALZ:
H.R. 4246. A bill to amend the Internal Revenue Code of 1986 to extend the alternative fuels credit for liquefied petroleum gas through 2010; to the Committee on Ways and Means.

By Mr. BERN (for himself, Mr. SMITH of New Jersey, Mr. PALOMA of Arizona, Mr. PAYNE, Mr. CROWLEY, Mr. FELNER, Mr. HONDA, Ms. RICHARDSON, Mr. OBERSTAR, Mr. ELLISON, Mr. CARNARON, Ms. McCULLOUGH, Ms. BACHUSS, Ms. SCHULCH, Ms. DORALDO, Ms. SPIER, Mr. BILIRAY, Ms. WATSON, Mr. ENGEL, Mr. AL GREEN of Texas, Mr. SHABAN, Mr. SHERZ, and Ms. LORETTA SANCHEZ of California):
H. Con. Res. 218. Concurrent resolution expressing the sense of the House of Representatives that the United States Men’s National Soccer Team should be commended for their commitment and thousands of volunteers involved with Bugles Across America for their commitment and sacrifice to ensure veterans are laid to rest with the honor and ceremony they earned through selfless service to the people of the United States in the Armed Forces; to the Committee on Veterans’ Affairs.

By Mr. JOHNSON of Georgia (for himself, Ms. RICHARDSON, Mr. LUCIAN, Mr. JACKSON of Florida, Mr. ELLISON, Mr. CONVERSE, and Mr. FELNER):
H. Res. 950. A resolution expressing the sense of the House that any unobligated funds appropriated for Troubled Asset Relief Program (TARP) should be used to create jobs for United States citizens; to the Committee on Financial Services.

By Mr. BROWN of South Carolina (for himself, Mr. DAVIS of Illinois, Ms. GINNY BROWN of Florida, Mr. CONWAY of North Carolina, Mr. KINGSTON of Georgia, Mr. DUNCAN, Mr. BARRETT of South Carolina, Mr. INGELS, Mr. ROGERS of Kentucky, Mr. LAMBORN, Mr. FRANKS of Arizona, Mr. SHIMKUS, Mr. SCALISE, Mr. MORAN of Kansas, Mr. SAM JOHNSON of Texas, and Mr. SOUTER):
H. Res. 951. A resolution expressing the sense of the House of Representatives that the symbols and traditions of Christmas should be protected for those who celebrate Christmas; to the Committee on Oversight and Government Reform.

By Mr. McKERON (for himself and Mr. CANTOR):
H. Res. 952. A resolution expressing the sense of the House of Representatives that a recipient of the Congressional Medal of Honor should be permitted, at all times on the recipient’s property, to properly display the Flag of the United States of America; to the Committee on the Judiciary.

By Mr. MCGOVERN (for himself, Mr. WOLF, Mr. DELAHUNT, and Mr. SMITH of New Jersey):
H. Res. 953. A resolution expressing the sense of the House of Representatives that the Kentucky of the People’s Republic of China has violated internationally recognized human rights and legal due process standards by carrying out executions after trials marred by procedural abuses and by carrying out arbitrary detentions targeting Uyghurs and other individuals in Xinjiang in the aftermath of a suppressed demonstration and ensuing mob violence on July 5 to 7, 2009; to the Committee on Foreign Affairs.

By Mr. HALL of Texas (for himself, Mr. MCCUL, Mr. NEUGRAUER, Mr. ROHRABACHER, Mr. AKIN, Mr. BROWN of Georgia, Mr. SINNENRENNER, Mr. BILIRAY, Mr. BARTLETT, Mrs. ROGERS, and Mr. SMITH of Texas):
H. Res. 954. A resolution expressing the sense of the Congress of Representatives regarding the scientific protocols, data collection methods, and peer review standards for climate change research which are necessary to preclude future infringements of the public trust; to the Committee on Science and Technology.

By Mr. HENRY (for himself, Mr. STEWART, Mr. WEBB, Mr. CREIGHTON, and Mr. Schauer):
H. Con. Res. 219. Concurrent resolution recognizing and commending the leadership and thousands of volunteers involved with Bugles Across America for their commitment and sacrifice to ensure veterans are laid to rest with the honor and ceremony they earned through selfless service to the people of the United States in the Armed Forces; to the Committee on Veterans Affairs.

By Mr. SCALISE and Mr. SHIMKUS:
H. Con. Res. 218. A resolution recognizing the leadership and thousands of volunteers involved with Bugles Across America for their commitment and sacrifice to ensure veterans are laid to rest with the honor and ceremony they earned through selfless service to the people of the United States in the Armed Forces; to the Committee on Oversight and Government Reform.

By Mr. VAN HOLLEN (for himself, Mr. GROECH MILLER of California, Mrs. BONO MACK, and Mr. REICHENT):
H. Res. 958. A resolution congratulating the United States Men’s National Soccer Team for securing a berth at the 2010 FIFA World Cup in South Africa; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS
Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. PALLONE, Ms. WASSERMAN SCHULTZ, Mr. MAFFEI, Mr. BARTON of Texas, Mr. RAGEL, Mr. VICOSLEY, Ms. CHU, Mr. DOTZNER, Mr. HIGGINS, and Ms. GREEN of Texas.

H.R. 39: Mr. FARR and Mr. ISRAEL.
CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative Frank of Massachusetts, or a designee, to H.R. 4173, the Wall Street Reform and Consumer Protection Act of 2009, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

NOTE
Incomplete record of House proceedings. Conference Report will appear in Book II.
Senate

The Senate met at 10 a.m. and was called to order by the Honorable Roland W. Burris, a Senator from the State of Illinois.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of wonder, beyond all majesty, may our lives and our world be awakened by Your grace. Open our eyes to Your works and our ears to Your words of life.

Stir within our lawmakers a desire to please You. Enable them to bear with objectivity and respond with integrity, as they comprehend their individual and collective responsibilities. Lord, make them exemplary models of the highest and finest in faithful, loyal, and dedicated leadership. Give them wisdom, strength, and clarity to meet today's daunting challenges.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable Roland W. Burris 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. Byrd).

The legislative clerk read the following letter:

U.S. Senate,
President pro tempore,

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Roland W. Burris, a Senator from the State of Illinois, to perform the duties of the Chair.

Robert C. Byrd,
President pro tempore.

NOTICE

If the 111th Congress, 1st Session, adjourns sine die on or before December 23, 2009, a final issue of the Congressional Record for the 111th Congress, 1st Session, will be published on Thursday, December 31, 2009, to permit Members to insert statements.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–59 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m., through Wednesday, December 30. The final issue will be dated Thursday, December 31, 2009, and will be delivered on Monday, January 4, 2010.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event, that occurred after the sine die date.

Senators' statements should also be formatted according to the instructions at http://webster/secretary/cong_record.pdf.pdf, and submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Record@Sec.Senate.gov".

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at http://clerk.house.gov/forms. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT–59.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Office of Congressional Publishing Services, at the Government Printing Office, on 512–0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

Charles E. Schumer, Chairman.

This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Mr. BURRIS 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 resume consideration of the health reform legislation. Following leader remarks, the time until 12:30 will be for debate only. The majority will control the first half of the time allotted until 12:30. The Republicans will control the next half. The remaining time will be equally divided and controlled between the two leaders or their designees. The Senate will recess from 12:30 until 2:15 p.m. to allow for the weekly caucus luncheons. There are two amendments now pending. One is the Nelson of Nebraska amendment and the other is the McCain motion to commit. Senators should expect votes after the recess in relation to the pending amendment and motion.

NEW DEMOCRATIC SENATORS

Mr. REID. Mr. President, we have scheduled this morning, as soon as the leader time is used, a group of Democratic Senators. These are all new Senators. I hope those people who are watching understand the quality of the people who are now going to make a presentation before this body. The States that will be represented here today will be Oregon, Delaware, New Hampshire, Colorado—we have two Colorado Senators who will speak—the new Senator from Massachusetts, New Mexico, Virginia, Illinois, Alaska, and the opening will be by Senator MERKLEY and the closing will be by Senator MERKLEY. Such quality individuals we are so fortunate to have in the Senate. I am grateful for the time they have taken to speak on this issue. Much of what they have done has set the tone for this debate on our side of the aisle. It has been constructive, it has been positive, and it has been very lucid. They were all successful individuals before they came to the Senate. Certainly, that is acknowledged every time one of them say a word here on the Senate floor.

Would the Chair announce the matter before the Senate.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

SERVICE MEMBERS HOME OWNERSHIP TAX ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3590, which the clerk will report. The legislative clerk read as follows:

A bill (H.R. 3590) to amend the Internal Revenue Code of 1986 to modify the first-time home buyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

Pending:

Reid amendment No. 2786, in the nature of a substitute.

Nelson (NE) amendment No. 2962 (to amendment No. 2786), to prohibit the use of Federal funds for abortions.

McCain motion to commit the bill to the Committee on Appropriations.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 12:30 p.m. will be for debate only, with the time equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each, with the majority controlling the first hour and the Republicans controlling the next hour.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HEALTH CARE REFORM

Mr. MCCONNELL. Mr. President, over the past several days, Americans have seen in vivid detail what some supporters of this plan plan to do for the Medicare Program for seniors. They plan to give a piggy bank to pay for an entirely new government program. Yesterday, we heard floated, for the very first time, that they want to radically expand Medicare. What is becoming abundantly clear is that the majority will make any deal, agree to any terms, sign any dotted line that brings them closer to final passage of this terrible bill. They entertain adding new experiments without any assessment of the impact this backroom deal-making will have on the American people or our economy. They are, for lack of a better term, winging it on one of the most consequential pieces of legislation affecting our country in memory.

Let me suggest to the majority, Americans would much rather we get it right than scurry around, throwing together untested, last-minute experiments in order to get 60 votes before Christmas. Let me say that again. Americans would much rather we get it right than scurry around, throwing together untested, last-minute experiments in order to get 60 votes before Christmas.

Over the past several days, our friends on the other side repeatedly voted to preserve nearly $3 trillion in Medicare cuts to finance their vision of reform, a vision that includes cutting nearly $3 billion from hospice care, $40 billion in cuts to home health agencies, $120 billion in cuts to Medicare Advantage, $135 billion in cuts to hospitals that serve vulnerable communities, and nearly $15 billion in cuts to nursing homes. What these cuts really illustrate is a lack of vision because cutting one troubled government program in order to create another is a mistake. I will say that again: 5% trillion in cuts to Medicare for seniors is not reform.

But Medicare cuts are just one leg of the stool holding up this misguided vision of reform. Let’s take a look at another. Let’s look at how this bill punishes not only seniors but how it kills jobs at a time when 1 in 10 working Americans is looking for one. This bill doesn’t just punish seniors, it punishes job creators too.

That is the message we got yesterday from small businesses across the country. They sent us a letter opposing this bill because it doesn’t do the things proponents of this bill promised it would. It doesn’t lower costs, it doesn’t help create jobs, and it doesn’t help the economy. Here are just some of the groups that signed that letter: the Associated Builders and Contractors, the Associated General Contractors, the International Food Service Distributors Association, the National Association of Manufacturers, the National Association of Wholesale Distributors, the National Retail Federation, Small Business and Entrepreneurship Council, and the U.S. Chamber of Commerce.

Here is what these groups had to say about this bill. I am reading from their letter dated December 7, 2009, a letter that was addressed to every Member of the Senate:

In order to finance part of its $2.5 trillion price tag, HR 3590 imposes new taxes, fees and penalties totaling over $1 trillion dollars. This financial burden falls disproportionately on the backs of small business. Small firms are in desperate need of this precious capital for job creation, investment, business expansion, and survival.

The letter goes on to detail all the ways in which this bill punishes small businesses, thus making it harder for them to retain or hire workers. These groups point out that under this bill, small businesses in the United States would see major cost increases as a result of new taxes on health benefits and health insurance, costs that would be passed on to employees and which would make health insurance more expensive, not less.

Under this bill, self-employed business owners who buy coverage for themselves could see a double-digit jump in their insurance premiums. For other small businesses, the bill won’t lead to a significant decrease in cost—something they were promised as a result of this bill. Under this bill, jobs would be lost and wages depressed as a result of a new law that would require businesses either to buy insurance for their employees or to pay a fine.

Needless to say, this is not the kind of legislation the American worker needs or wants at a moment of double-digit unemployment. Perhaps that is the reason that poll after poll after public opinion poll shows that the American worker opposes this bill.

Some business groups may have supported this plan earlier in the year because they thought it was inevitable.
They didn’t want to be critical of a bill they thought they had no power to stop. But something happened between then and now: The American people realized what this bill meant for them. They realized what it would mean for seniors, for businesses, and for our economy, for our future as a country. Americans stood up, they made their voices heard, and now the tide has turned. The American people oppose this bill. They want us to start over. They want us to take common-sense, step-by-step reforms that everyone can support, not some backroom deal to have the government take over the health care system that is then forced on the American people without discussion.

Our friends on the other side can read the writing on the wall. They know the American people oppose this bill. But they have apparently made a calculated force to force it through Congress over the heads of the American people even have a chance to absorb the details. The only thing that can stop them is the realization by Democrat themselves that this plan would be a tragic mistake for seniors, for the economy, and for our country and that a better path would be the kind of step-by-step reforms Americans have been asking of us, reforms Americans really want. Americans don’t think reform should come at the expense of seniors, and they don’t think it should come at the expense of jobs. They don’t think it should make cur- rent problems worse.

Mr. President, we are now hearing talk that the administration is thinking of using the bank bailout TARP money that taxpayers reluctantly handed over during last year’s credit crisis on another spending spree like Cash for Clunkers, or the health care bill that is currently on the Senate floor. Americans are running out of patience with politicians who promise jobs but who deliver nothing but more debt, higher taxes, and longer unemploy- ment. And that’s what this is.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tem- pore, The Senator from Montana.

Mr. BAUCUS. Mr. President, for the benefit of all Senators, I would like to take a moment to lay out today’s program. It has been more than 2¼ weeks since the majority leader moved to proceed to the health care reform bill, and this is the ninth day of debate. The Senate has considered 18 amendments or motions. We have conducted 14 roll-call votes.

Today, the Senate will debate the amendment by the Senator from Nebraska, Senator McCaIN on Medicare Advantage. The time between now and the caucus lunch is for debate only. The majority will control the first hour of debate this morning; the Republicans will control the second hour.

We are hopeful the Senate will be able to conduct votes on or in relation to tăng the following amendments: a side-by-side amendment to the McCain motion, and the McCain motion sometime this afternoon.

Thereafter, we expect to turn to another Democratic amendment, which is likely to be the amendment by the Senator from North Da- kota, Mr. DORGAN, on drug reimporta- tion, and another Republican first-de- gree amendment. We are working on lining up those amendments.

I note that the pending McCain motion is the third such effort by the Re- publicans to defend the private insur- ance companies that run the program called Medicare Advantage. That is the same so-called Medicare Advantage Program that helps those private in- surance companies to pay their CEOs $8 million a year, $9 million a year, and in one instance more than $20 million a year in compensation.

That is the same so-called Medicare Advantage Program that has been the major source of strong profits for the private insurance companies that receive those overpayments. And that is the same so-called Medicare Advantage Program that helps those private in- surance companies to pay their CEOs $8 million a year, $9 million a year, and in one instance more than $20 million a year in compensation.

So that is the same so-called Medi- care Advantage Program that, in our view, needs a healthy dose of competition. That is all our bill would do. Our bill would move to competitive bidding in the private insurance Medicare mar- ket. It is high time we did so.

This morning we are going to have a colloquy among many new Senators, the group of Senators who were just elected last year, which is a very active group. I have met with them many times. They are very thoughtful, very active, and they have a lot to say.

The ACTING PRESIDENT pro tem- pore. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I will be very brief because we want to take the time to hear from our colleagues. I, too, want to commend them. A number of them serve on the Health, Edu- cation, Labor, and Pensions Committee and are tremendously helpful in helping us craft the legislation we now have before us in this compromised, melded bill.

I also want to make a note. I listened to the Republican leader this morn- ing—and I will talk more about this later—but you would almost begin to believe that 300 days ago Barack Obama arrived as President of the United States, and all these problems emerged miraculously. The fact is, in the previous 8 years we watched the Nation accumulate more debt in one administration than all prior 43 adminis- trations combined.

The situation we find ourselves in here is not just the result of a past year but the result of years of lack of carelessness, with a lack of regulation and a lack of the enforcement of the regulation that existed. We have been grappling with these problems. In De- cember of last year, almost 800,000 people lost their jobs—in that 1 month alone. In January, almost 700,000 again, and the same was true in March. Al- most 3 million jobs were lost before the ink on the inauguration papers was dry.

We are now finding ourselves—while still too high an unemployment rate— with a vastly improved economic condition in this country. Much more can be done. You know, just in the last 2 months, 190,000 people got new jobs. The unemployment rate just went down 1 percentage point. So the American people are demanding the same kind of step-by-step reforms Americans themselves that this plan can stop them is the realization by DODD. Mr. President, I will be. This proposal from the administra- tion, which is likely to be the amend- ment, was an election-year stunt. It is high time we did so.

It is high time we did so. It is high time we did so. It is high time we did so.
Mr. President, I yield the floor to allow them to discuss their ideas. I believe the first one to speak is our new colleague from Delaware.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

Mr. KAUFMAN. Mr. President, I want to start by agreeing—and I practically always agree with the Senator from Connecticut—with his summation as to how we got to where we are, and why it is important we do something about it. He is right. The chairman of the Finance Committee is right too.

The freshman Senators who come from all over this country got together and, frankly, with the leadership of Senator WARNER from Virginia, put together a package which I think is a very constructive package for the Health Care Reform Act we have to pass.

I appreciate the opportunity to join with the other freshmen, including the Acting President pro tempore, to discuss the unique opportunity we have to finally enact meaningful health care reform.

Make no mistake, we need health care reform now. When you look out there and you see everything from soaring premiums to insurers denying coverage for people with preexisting conditions, the health care system is falling individual Americans. There is no doubt about that.

Not only is it doing that, it is threatening the fiscal solvency of our country. Medicare and Medicaid are swelling up more and more of our Federal spending. If we do not act soon, it will become the largest contributor to the deficit.

The time for reform is now. We cannot wait any longer. As the Senator from Connecticut said, this is not something that just came out of nowhere. It has been there for a long time. We have seen it, and let those more time go by. We have to act now.

Thanks to the hard work of Senators REID, BAUCUS, DODD, and HARKIN and their staffs, we have a bill before us that can finally reform our health care system. It is a good bill. It is a bill that truly protects what works in our system and, at the same time, fixes what is broken.

No longer will Americans be denied coverage on the basis of preexisting conditions. In fact, if a condition is serious enough, you heard it here, you heard it here, you heard it here; coverage will be revoked when they get sick and need it the most. This bill will help protect seniors by offering new preventive and wellness benefits.

It will extend the solvency of the Medicare trust fund by an additional 5 years. It will also help our economy by significantly cutting health care costs and reducing the Nation’s deficit by $130 billion.

You hear a lot of numbers. You see a lot of numbers. You read about it in the newspapers. Especially, you heard about it on the other side of the aisle. This will cut the deficit by $130 billion for the first 10 years and maybe up to $850 billion in the second 10 years. This will truly bend the cost curve, which we have to do if we are not going to go into insolvency.

It is interesting, when the other side talks about deficits, deficits, deficits, the thing that is health care costs because what drives Medicare and Medicaid costs is health care costs.

This bill makes quality, affordable health care reachable for all Americans. But there is always more we can do. That is why I am pleased to join my other freshman colleagues to support a very promising amendment to the bill.

So much of what is broken in our present health care system revolves around basic inefficiencies that drive up costs, while simultaneously driving down quality. That is right. Costs go up, quality goes down. That is not the way we want to have it. We want costs to go down and quality to go up. Even worse, inefficiencies in the system often give way to the waste, fraud, and abuse that drains somewhere between $72 and $220 billion annually from doctor’s offices, private insurers, and the State and Federal Governments. This is significantly increasing health care costs for Americans. These are inefficiencies that can and will be curbed.

By seeking creative ways to encourage innovation and lower costs even further—and more quickly—for Americans across the country, this amendment complements the underlying health care bill.

It adopts the full spectrum of 21st-century technologies and innovative methods of delivery to further cut through the red tape that continues to plague our system and stifle innovation. It provides commonsense, practical measures that reduce costs, improve value, and increase quality. It increases penalties for health care fraud and enhances enforcement against medical crooks and utilizes the most sophisticated technology to better detect and deter fraud in the health care system.

It quickens the implementation of uniform administrative standards, allowing for more efficient exchange of information among patients, doctors, and insurers. It provides more flexibility in establishing accountable care organizations that realign financial incentives and help ensure Americans receive high-quality care. It provides greater incentives to insurers in the exchange to reduce health care disparities along racial lines.

These are just a few examples of the provisions in the amendment that I believe will mesh well with the Patient Protection and Affordable Care Act. As I have said before, it is time to gather our collective will and do the right thing during this historic opportunity by passing health care reform now. I think this amendment can help us move forward, the ability to take pilot projects and make them permanent. Our package further moves us away from a current system that makes no financial sense—one that rewards volume over quality and one that reimburses hospitals for higher, rather than lower, readmission rates.

We are taking the payment reform aspect of the health care bill—reductions that increase accountability, and focus on data mining and administrative simplification—and accelerating them. We are giving the Secretary, as we move forward, the ability to take pilot programs and broaden their approach and appeal. And if it works, we’ll bring that reform to our whole system.

While we anticipate a very good score from CBO in terms of lowering health care costs overall, another thing we fought for in this health care bill—reductions that increase accountability, and focus on data mining and administrative simplification—and accelerating them. We are giving the Secretary, as we move forward, the ability to take pilot programs and broaden their approach and appeal. And if it works, we’ll bring that reform to our whole system.

One of the reasons the Business Roundtable is so supportive is the fact that our package recognizes that well over half of the American public still receives their health care through private insurance or in conjunction with their employers. With these amendments, we look at how to take the best of the private sector, and the lessons we’ve learned from them, and bring those into health care reform.
My friend, the Senator from Delaware, has raised this point. There are still issues to be resolved in this bill.

I still have some concerns, particularly with the public option portion. But I know that with a good-faith effort, we are going to get those issues resolved.

One thing that needs to be reaffirmed, time and time again, is what happens if we don’t enact health care reform. Not acting is a policy choice; it is even worse than a policy choice as moving forward on this bill. What many don’t realize is that the largest driver of our Federal deficit is not education funding, transportation funding, and not even TARP funds or the stimulus. The largest driver of our Federal deficit is health care spending.

If we fail to act now, Medicare, which provides health care to millions of senior citizens, will go bankrupt in the next 8 years. If we fail to act now, an average Virginia family will see their health care costs eat up 40 percent of their disposable income in the next decade.

One of the reasons we are seeing so much broad-based business support for our amendment package is business understanding that if we can’t drive down overall health care costs, the ability of the United States to come out of this recession and remain competitive in a global marketplace will be seriously undermined. As long as American business has to pay double-digit cost increases, it is very hard for any of our industrial competitors around the world, regardless of how productive the American workforce is. American businesses will be at a serious disadvantage.

Our amendment package is complex. It is a bit dense. There are some 30-odd different provisions that take very good parts of the merged bill and move them faster. It increases price transparency in health care pricing, and increases our ability to take programs and pilots that work and roll them out on a wider basis. My good friend, the Senator from Colorado, has been working hard on the administrative reform portion.

This is a good package of amendments. I was asked yesterday by somebody in the press how I would describe the package. I guess I would sum it up—because of this short time, fairly dense—with two things that this package of amendments is trying to do.

I think we all remember, years back, the originators of the bill—it is a very good bill, a very good framework. But humbly I might say, as some know, I was lucky enough in the old days to fall into the cell phone industry. I understand what it is like to work in that industry. I like to think about the cell phone industry as a metaphor for this package of amendments. If we think of the original bill as creating the cell phone of the 20th century, our package is basically the iPhone version to your Motorola flip phone original version. We literally provide dozens of new applications on a good, basic framework that has been provided by this merged bill. And we take these applications a little bit further into the 21st century.

I am very proud of the work all these freshmen Senators and their staffs have done over the last 3 or 4 months. Again, I thank the chairman of the Finance Committee for make our HELP Committee, the majority leader and their staffs for helping us work through this package, and I look forward to its adoption.

With that, I yield the floor, and I believe the Senator from Colorado will speak next.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

Mr. BENNET. Mr. President, I wish to thank our colleague from Virginia, Senator Warner, for his extraordinary leadership throughout this process of the freshmen coming together to see what we can do to move this legislation forward to improve it. I think a lot has been said about how the bill that was drafted by the HELP Committee, by the Finance Committee, and now by the majority leader is directionally correct in its efforts to get a handle on these skyrocketing costs. I think what this package will allow us to do is to move us much further in the right direction of trying to hold down costs for our working families and small businesses across the country.

Throughout this entire debate and going back to the very beginning, what I have said is, no matter where you are on many of the issues, there can’t be any disagreement that the current system, with respect to costs, is completely insane. Our families in Colorado faced double-digit cost increases every year over the last decade. Their median family income has actually gone down by $300, and the cost of health care has gone up by 97 percent over that period of time. Our small businesses are paying 18 percent more for health insurance than large businesses just because they are small. As the Senator from Virginia was mentioning, we are spending, as a country, more than twice what almost any other industrialized country in the world is spending for in a reasonable amount of time. In a percentage of our gross domestic product on health care. We are spending roughly 18 percent, going to 20 percent in the blink of an eye. We can’t hope to compete in this global economy if we are devoting a fifth of our economy to health care and everyone else in the world is devoting less than half that. Finally, as the Senator from Virginia also said, if you have a concern about deficits we are facing in Washington becoming completely untenable, what you need to know is, the biggest driver of those is rising Medicare and Medicaid costs and the biggest driver of those is, of course, health care reform.

So my view has been, from the start, no matter what your entry point was into this debate, cost was the central question for our working families and for our small businesses. We have stressed the need over and over for health care reform to contain the rising costs that are plaguing our current system. That is why I think the Senate needs to adopt the freshman amendment package, which would cut costs, save taxpayers money, and in this bill help strengthen the reform proposal’s ability to deliver affordable, quality health care to all Americans, whether they are in private plans or they are in public plans. These provisions will reduce the red tape that, for so long, has slowed the delivery of care. Doctors from all over Colorado have told me the second time around, their medical practices are mired in paperwork and their staffs spend far too much time and money jumping through administrative hoop after hoop. The time our doctors and nurses spend on unnecessary paperwork is time they can’t spend becoming better professionals and, most importantly, providing quality care to their patients. This amendment will require the Secretary of Health and Human Services to adopt and regularly update national standards for some of the most basic electronic transactions that occur between insurers and providers, and meeting these standards will be enforceable by penalties if insurance providers don’t take steps to comply. My provision will make sure that as we implement health care reform, we are consistently identifying and implementing new standards.

There are also terrible inefficiencies in the way we pay health care providers and allow them to deliver care to patients. This package helps eliminate bottlenecks so patients are cared for in a reasonable amount of time.

This package of amendments also expands the Senate bills reforms being made to Medicare and Medicaid. There is a provision that will allow accountable care organizations to work with private insurance companies to better draft strategies for Medicare and Medicaid and private sector plans to improve care. In the case of Medicare, doctors are forced into requesting a multiple of tests to confirm a diagnosis they have already made. This creates
unnecessary work for doctors, their admin-
istrative staffs, lab technicians, and so on. It is time we create a system that empowers doctors to practice medicine and do their jobs efficiently.

Under the current broken system, doctors and doctors held responsible for even setting up a practice. It is no wonder the number of primary care doctors has been steadily declining for some time now.

This package of amendments would create an environment that attracts doctors back to the field rather than make it more difficult for them to provide care. Along with the savings this bill already creates, these amendments will help doctors remove the red tape that has limited their ability to help patients in a timely manner.

We cannot go on allowing the middle class to absorb the rising costs of our Nation’s health care system. We need health care reform that will control costs and put us back on a path toward fiscal stability. This package of amendments will help us do that.

I wish to, again, say thank you to my colleagues from the freshman class for their work. This sometimes has seemed tedious and sometimes hard to describe. Amendments are just that critical if we are going to get hold of our rising health care costs. With the help of the measures in this total legislation and some of the particular reforms suggested by our freshman colleagues, we will be able to give our country what it needs to practice the best medicine possible. That is why they took their oath. With the help of the measures in this total legislation and some of the particular reforms suggested by our freshman colleagues, we will be able to give our country what it needs to practice the best medicine possible. That is why they took their oath.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KIRK. Thank you, Mr. President.

With great joy and enthusiasm, I can say that today we are closer than ever to guaranteeing that all Americans, at long last, will have full access to quality, affordable health care. The Patient Protection and Affordable Care Act, which I and fellow freshman Senator JEFF MEREKLY of Oregon suggests, as Senator Kennedy of Massachusetts would have subscribed to, that this is the health care bill of rights. It will help fix a health care system that is failing to meet the needs of the American people. I am extremely proud to join with Majority Leader REID, with Senator BAUCUS, with my good friend, Senator DODD of Connecticut, and with my fellow freshman Senators. I wish to, if I may, thank the Senator from Virginia, MARK WARNER, one of the more enlightened business leaders of our time, who brought his wisdom and innovation and skills and practices of the private sector to help improve the important challenge we have in the public sector. I thank the Senator for his leadership on this effort, in contributing to legislation that will mark a historic stride forward for the American people.

I want to say a word as well, a particular word about the chairman of the Finance Committee who has enormous responsibilities in the Senate chairing the effort to reform our financial regulations and our financial systems so the American people will understand we are one country, with one important financial system and not somehow second tier, unrelated and disconnected to the decisions made on Wall Street. When Senator Kennedy of Massachusetts was stricken, Senator DODD of Connecticut stepped forward, not only because Senator Kennedy was his very close friend but because the Senator from Connecticut recognized the importance of the challenge and important effort that is being made in the Senate. I wish to salute him for sharing his wisdom and his strength and his leadership, not only in the areas of financial reform but in this important area as well.

As I said, this is nothing less than a bill of rights for the American people on the issues of health care. With this legislation, all Americans, finally, will be guaranteed access to the affordable health care coverage they deserve. Families who need a helping hand to care for an aging relative will be protected. Insurance companies will be prohibited from arbitrarily refusing coverage and from stopping benefits when they are needed the most. Doctors and providers who need to practice the best medicine possible. That is why they took their oath. With the help of the measures in this total legislation and some of the particular reforms suggested by our freshman colleagues, which offer what American families want most: better results for lower costs. It is as simple as that. These amendments focus on the root causes of our skyrocketing health care costs to provide Medicare the support it needs to become a leader in moving toward a new model that can help cut down on regulatory and bureaucratic red tape, and modernize a broken health care system. If we fail to do so, we perpetuate an antiquated status quo that stalls economic growth, stifles the entrepreneurs who make up the American business landscape, and keep stability and security out of reach for millions of American families.

The package of amendments we present today is designed to inject new life into our health care system that rewards better practice of medicine and modernize a broken health care system. If we fail to do so, we perpetuate an antiquated status quo that stalls economic growth, stifles the entrepreneurs who make up the American business landscape, and stop stability and security out of reach for millions of American families.

This legislation we have been debating and amending over the past 2 weeks can and should be a vehicle that we use to enhance freedom for all of our American citizens. We are going to repair and modernize a broken health care system in America. If we fail to do so, we perpetuate an antiquated status quo that stalls economic growth, stifles the entrepreneurs who make up the American business landscape, and keep stability and security out of reach for millions of American families.

The package of amendments we present today is designed to inject more cost containment into the bill, cut down on regulatory and bureaucratic red tape, and put us more aggressively toward a health care system that rewards better patient care rather than simply more care.

In developing these ideas, my fellow freshmen and I have relied upon the input of people back home. And through my discussions with constituents, health care providers, and businesses from all over Colorado, a common theme has emerged: They want a health care system that tackles costs, while keeping the focus on patients and making sure that our fresh approach is one that with our freshman proposal because more than 30 groups have come out in the past few days in support of
our efforts. This is a wide-ranging number of groups, including consumer champions such as AARP, business leaders such as the Business Roundtable, and health providers such as Denver Health in my home State.

My colleagues have spoken about individual pieces of this effort that combine to make the whole. I will single out a section that I think will have a particularly strong influence on the future of our health care system.

Senator MERKLEY has authored an important provision that creates the independent Medicare advisory board. This board would be tasked with keeping down the costs in the Medicare system by issuing proposals to cut spending and increase the quality of care for beneficiaries.

I applaud this contribution to the bill, but I have wondered why we cannot take it a step further by looking at the whole health care system and not just Medicare in isolation. If we are going to tackle spiraling health costs across the country, we need to push each area of our health care system to be smarter and more efficient in dealing with cost growth.

One of my contributions to the package is a provision to expand the scope of the Medicare advisory board to examine not just Medicare but the entire health care system and task the board with finding ways to slow down the growth of health costs across the country. This would include providing recommendations on the steps the private sector should take to make our delivery system more efficient. Health care leaders and economists agree that such an approach can help push our system toward a more streamlined and coordinated way of delivering health care to all Americans.

In closing, let me thank the Senator from Virginia for his leadership, the Senator from Oregon, Mr. MERKLEY, and Senator MERKLEY from New Hampshire. It has been a delight to work with 11 of my fellow Senators. This is a bold contribution to the package that I know we will pass out of the Senate. We come from varying parts of the country and have varied political outlooks and backgrounds. This will attract broad support in our Chamber. It is a winning approach to health care reform, and I encourage all Senators to support our efforts.

I yield the floor.

The ACTING PRESIDENT pro tempore, Senator from New Hampshire is recognized.

Mrs. SHAHEEN. Mr. President, I am so pleased this morning to join my freshman colleagues in introducing our innovation and value package.

For several months, the freshmen in the Senate have been coming to the floor to help make the case for health care reform, to tell our colleagues and the public about what we have heard from our constituents, and to come together as one voice in support of reform.

Today, we back up that rhetoric with action. Today, we propose something concrete. We have talked about the importance of reforming the way we deliver care, about how we need to slow down the skyrocketing costs of health care, while improving quality, and about the need to provide incentives to make the changes happen. Today, we deliver this proposal about containing costs, about looking into the future, thinking about our delivery system, and finding ways to make small but very important changes that will make a difference.

Throughout, I have been talking about the importance of increasing the quality of care while reducing the cost. This amendment package does just that.

This amendment package matters. It matters to all the health care consumers who are interested in reducing costs and increasing the value in our health care system. It especially matters to business. The high cost of health care and insurance coverage is driving away valuable jobs for our businesses. If we can reduce waste and inefficiency, attack fraud, and simplify our system, we can reduce costs. The innovations in this package attract business because business understands that we need to transform our public and private health care systems to lower costs and deliver value.

I am proud that, with this amendment, we are able to promote the good work of Elliot Fisher and his colleagues at the Dartmouth Institute for Health Policy and Clinical Practice and to recognize the work they have done on accountable care organizations.

Accountable care organizations are about coordinating care among providers—hospitals, primary care physicians, specialists, and other medical professionals. These accountable care organizations make decisions with patients. I think that is the operative phrase. They make decisions "with" patients about what steps they can take together to improve care. When these efforts result in cost and quality improvements, providers and consumers can share in the savings. This is the essence of true reform. We must demand performance, quality, and value from our health care system. This package makes great strides.

I will close by thanking all of my fellow freshmen. I am so proud to be part of this freshman class and all of the great work they have done. I especially wish to recognize Senator WARNER, who has really been the driving force behind this health care package. I am not sure I agree with his cell phone analysis, but I certainly agree with the leadership he has shown on this package.

Also, I recognize our senior colleagues, Senators DODD, BAUCUS, REID, and HARKIN, for the leadership they have shown in getting us to this point. Finally, I recognize all of the staff of the leadership he has shown on this package.

Today, we back up that rhetoric with action. Today, we propose something new. Today, we propose some big ideas. Today, we propose big savings. Today, we propose some big changes. This amendment package matters. It is the future of our health care system.

Mr. President, I am rising on behalf of the freshman value and innovation package, which builds on efforts to provide quality, affordable health care at a lower cost to families.

I, too, applaud our colleague, Senator MARK WARNER, for helping to initiate this package.

I wish to take a moment to talk about two provisions in the package that I included: curbing fraud and abuse with 21st-century technology and medical therapy management.

Today, Medicare spends about $430 billion annually; Medicaid, approximately $340 billion; the States Children’s Health Insurance Program, an additional $5 billion, for a total of $775 billion.

In Medicare alone, annual waste amounts to between $23 billion and $78 billion. Yet, despite these sky-high numbers, investigations are pursued only after payment has been made, which means government fraud investigators have to recover funds that have already been paid. As a result, it is estimated that only about 10 percent of possible fraud is ever detected, and of that amount only about 3 percent is ever actually recovered. This means the government recovers, at best, about $130 million in Medicare waste, fraud, and abuse. Again, when estimates are between $23 billion and $78 billion, we are only recovering $130 million.

“Doctor shopping” is an example that was profiled in a recent USA TODAY news article and GAO report. This involves a patient receiving multiple doctor prescriptions from numerous doctors in a short period of time, without getting caught. Each of the claims gets paid by Medicare, Medicaid, or even private health insurers.

The current technology exists to support of this effort.

This amendment will require the Department of Health and Human Services to put into place systems that will detect patterns of fraud and abuse before any money leaves our Federal coffers.

Another source of waste in the system is people not sticking to their medication regimen. As much as one-half of all patients in our country do not follow their doctors’ orders regarding their medications. The New England Health Care Institute estimates that the overall cost of people not following directions is as much as $290 billion per year.
This waste can be eliminated with medication therapy management. That is a program where seniors bring all of their prescriptions, in a little brown bag, and their over-the-counter medications and their vitamins and supplements to the pharmacy to be thoroughly reviewed in a one-on-one session. The pharmacist follows up and educates the patient about his or her medication regimen.

North Carolina has some successful medication therapy management programs already in place. In 2007, the North Carolina Health and Wellness Trust Fund Commission launched an innovative statewide program called Checkmeds NC to provide medication therapy management services to our seniors. During the program’s first year, more than 15,000 seniors and 285 pharmacists participated.

Just this small program saved an estimated $10 million, and countless health problems were avoided for our seniors. This amendment takes this successful North Carolina model and implements it nationally, permitting pharmacies and other health care providers to spend considerable time and resources evaluating a person’s drug routine and educating them on proper usage.

I urge passage of this freshman amendment package which will further reduce health care costs for American families. Thank you.

Mr. UDALL of New Mexico. Madam President, I seek recognition.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The Senator from New Mexico.

Mr. UDALL of New Mexico. Madam President, this package today is a result of collaboration that began months ago when the Senate’s freshman class united as advocates for comprehensive health reform, when we united in the belief that the status quo is not an option.

The health care status quo does not work for Americans and it does not work for America either. If we fail to act, every person, every institution, every small business in this country will pay the price.

Achieving true reform means making insurance available and affordable to all Americans. It also means reining in out-of-control spending. For some, those two goals seem diametrically opposed. How can you control costs when you are expanding access to millions of additional people?

One of our country’s great economic thinkers, Paul Krugman, recently challenged this hypothesis. First, he said a majority of Americans uninsured are young and healthy. Covering them would not increase costs very much. Second, he noted that this reform links coverage expansion to “serious cost-control measures.”

Those goals are two sides of the same coin. Without one, we cannot have the other. As Mr. Krugman said:

The path to cost control runs through universality. We can only tackle out-of-control costs as part of a deal that also provides Americans with the security of guaranteed health care.

With these amendments, we take additional steps to transform our delivery system, to contain costs, and to get our seniors back. With these amendments, we encourage a faster transition to a 21st-century system that is more efficient, costs less, and holds providers and insurers accountable.

I am proud to sign on to all of the amendments in this package. But there is one proposal that is particularly important to the people of New Mexico. In my State, 30 of 33 counties are classified as medically underserved. Residents of these highly rural counties are more likely to be uninsured. They are more likely to have higher rates of disease. And because of a shortage in health care providers, they are often forced to travel long distances for care.

This amendment would help take the first steps toward alleviating the growing shortage of primary care physicians in New Mexico and across the country. By 2025, there will be a shortage of at least 35,000 primary care physicians in the United States. As this shortage grows, our rural areas will be hardest hit.

In this amendment, we call for expert recommendations on how to encourage providers to choose primary care and to establish their practices in medically underserved areas. These experts would analyze things such as compensation and work environment. They would recommend ways to increase interest in primary care as a career.

We are closer than ever to providing all Americans with access to quality, affordable health care. I am proud to be a part of a group of freshmen who refuse to sit on the back bench and watch this reform develop from the sidelines. I am proud to be part of a group that from the beginning refused to accept the status quo as an option.

I thank the staff of all these fine Senators and thank personally my staff members, Fern Goodheart and Ben Nathanson.

I look forward to continuing the work with this outstanding group as we debate a bill that will improve our health care system for generations to come.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. BURRIS. Madam President, it is also my pleasure to stand with my colleagues and be a part of this health reform package, to give recognition to those distinguished senior Senators who have put so much heart into drafting this important legislation, to our Leader Reid and to Senator BAUCUS, Senator DODD, and all the individuals. It is a pleasure for me to be a part of this freshman colloquy on this major package.

Over the past several months, my freshman colleagues and I have taken the floor many times to speak about the need for comprehensive health care reform. I am pleased to join them today as we discuss our cost containment package.

This set of provisions will help promote accountability, increase efficiency and reduce disparities in our health care system. Our amendment will reinforce and improve the principles of high-value, low-cost care that is central to the Patient Protection and Affordable Care Act.

Our amendment will strengthen Medicare’s ability to act as a payment innovator, paying for value and not for volume. In speeding this process, our amendment gives Medicare more of the resources it needs to gather data, expand programs that work, and reach the neediest patients.

We also work to strengthen waste, fraud, and abuse provisions in the Patient Protection and Affordable Care Act. I recently noted that the Department of Health and Human Services has the tools to not only punish offenders but to prevent fraud from happening in the first place.

But this is not just about our public programs. We also promote private-public data sharing to get a better picture of our whole medical system.

Our amendment further takes aim at administrative costs, another barrier often cited to getting the most effective care, by encouraging public-private collaboration to create uniform standards and reduce the mountain of paperwork that takes doctors’ time away from their patients.

Finally, we put pressure on private insurers to change the way they pay. By encouraging insurers to reward programs that reduce disparities, providers will increasingly focus attention on populations that need it most.

I am proud to sign on to all of the Patient Protection and Affordable Care Act in order to make sure that the Department of Health and Human Services has the tools to not only punish offenders but to prevent fraud from happening in the first place.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.
I call upon my colleagues to take an honest look at what we are doing, and I defy them to say that health care reform will not reduce costs and improve the functioning of our health care system.

The debate over health care reform cannot be scoring political points. It must be about the health and well-being of the American people. All of our great work will bear fruit, and we will reform our Nation’s health system because there is no other option. Our citizens demand it, and they deserve no less.

I thank our distinguished colleagues. I am happy to be a part of this freshman colloquy in presenting such an important issue at this time in history in this great country of ours.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. BEGICH. Madam President, I seek to talk about this package of cost containment offered by the freshmen. I am proud to join them in offering this amendment today.

The technical work in this package is complex and complicated, but the themes it addresses are simple and straightforward, which I know our colleagues on the other side will appreciate and we hope support—value, innovation, quality, transparency, and cost containment.

The full legislation now under debate in the Senate makes wonderful strides in the current health care system. Under the leadership of Senators BAUCUS, DODD, RANKIN, and our Majority Leader REID, the committees have done incredible work.

What the freshmen are saying today is we believe our package can help. We can go further. We can do better. Our goal is a health care system that is more efficient and more affordable.

In my amendments, I will stand together at a news conference with all my freshman colleagues to formally announce this package. What I most appreciate is that we will do so with the support of consumer and business groups.

While the language of this amendment promotes efficiency and encourages innovation within the health delivery system, what it is about is helping individual Americans and businesses afford health care.

I am proud of that, especially when we know that cost containment is the No. 1 priority of small business owners in this health reform debate.

Insurance premiums alone in the last 10 years for small businesses have risen 119 percent. It was reported in the media that small businesses in this country face another 15-percent increase in the health premiums in the coming year.

What about families, our friends, and our neighbors? Health insurance premiums are eating up ever growing chunks of the family budget. Nationwide, family health insurance premiums have increased by almost 14 percent of the family income. Last year, the same premium cost $13,000 to 21 percent of the family income.

If we do nothing, if we do not reform the system and do not contain costs, this country will be in big trouble. By 2016, the same family health insurance will cost more than $24,000. Because health costs are skyrocketing compared to wages, that $24,000 will represent 20 percent of the family budget. Enough is enough. The package we are offering today will help.

I want to focus briefly on a small but significant piece of this package that addresses rural health care. It will help hospitals in several States, including Alaska, my home State, by extending the Rural Community Hospital Demonstration Program. We are building on known success. The program is small. Even with this amendment, the number of eligible hospitals nationwide will expand from 15 to 30, and 20 rural States will be eligible to participate instead of the current 10.

Part of what we are saying in this package is this: If something is working, let’s do more of it. We will expand the program. It is supported by the freshmen and is also pushing for the extension of the Medicare Part B prescription drug benefit.

As I conclude, I wish to stress once again how proud I am to stand with my freshman colleagues. The cost containment package we are proposing today will help all Americans, and I hope it will move the Senate that much closer to a historic vote on the landmark legislation that is before us today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. WARNER. Madam President, I know our time is about to expire. I wish to close by thanking all my freshman colleagues and their staffs for the great work they have done on this legislation.

I see a number of my colleagues from the other side of the aisle. This is an amendment package that brings greater transparency, greater accountability, greater efficiency, and greater innovation to health care. In the Business Roundtable, small businesses and health care systems around the country, I ask for their consideration.

I again thank the Chair, Senator DODD, for allowing us to lay out this package of amendments. I think it will add an important component to this bill in trying to rein in costs not just on the government side but systemswide.

I yield the floor.

Mr. DODD. Madam President, quickly, because I know my colleagues are here on the other side, I want to commend 10 of the 11 freshman who are here and who have spoken with great eloquence and passion about this issue. I think all of us, regardless of which side of the aisle we are on, owe them all a great deal of gratitude for putting together a very fine package.

I particularly thank Senator Mark Warner, our colleague from Virginia, who has led this effort, but obviously so much of this has happened because of the cooperation and ideas that each Member who has spoken here this morning has brought to this particular cluster of ideas on cost containment. Senator Warner gave them a debt of gratitude and can feel pretty good about the future of our country with this fine group of Americans leading it.

The PRESIDING OFFICER. The minority now has 60 minutes.

Mr. BAUCUS. Madam President, may I ask unanimous consent for a couple of minutes to comment on the freshman package? It will just take a few minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I join my good friend from Connecticut in thanking—I don’t know if calling them freshmen would be wise, because our colleagues act as though they have been here for years and know the subject extremely well.

Delivery system reform has always been something I have been pushing for, and I am happy to see it is part of your package, and also with additional emphasis on rural areas and Indian reservations. We clearly need more of that, and more transparency. I firmly believe that will help us get costs down and get quality of care up. Your work on the independent Medicare advisory board is great too.

To be honest, these are all the next steps in ideas that are pretty much in the bill, but they are the proper next steps, and the next steps I firmly believe should be taken. So I compliment you that very much, and I thank my friend from Arizona for allowing me this time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I wish also to add my words of congratulations to the new Members for their eloquence, their passion, and their well-informed arguments, although they are badly misguided. But I do congratulate them for bringing forth their ideas and taking part in this debate. We welcome it, and I hope that someday we will be able to agree on both sides for us to engage in real colloquy between us, back and forth. I think the American people and all Members would be well informed.

Mr. BAUCUS. Madam President, I ask unanimous consent for the next 30 minutes to engage in a colloquy with my colleagues.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Madam President, I talk a lot about C-SPAN. I am a great admirer of C-SPAN. And the President—at least when he was running for the presidency—believed in C-SPAN as...
well, because he said C-SPAN would be in on the negotiations. Here is what was posted by a reporter from Politico last night at 5:48 p.m., entitled “No C-SPAN Here.”

Right now a group of moderate Senators is meeting behind closed doors to try to hash out a compromise on the public option. Reporters, waiting for the meeting to break, were just moved out of the corridor nearest the meeting and found around the corner, making it harder for the press to catch Senators as they leave. C-SPAN this is not.

I would remind my colleagues that the amendment we are discussing here is drafted to prevent drastic Medicare Advantage cuts from impacting all seniors in Medicare Advantage. The amendment says simply: Let’s give seniors who are members of Medicare, who have enrolled in Medicare Advantage, the same deal that Senator Nelson was able to get for the State of Florida—and Jesus, most of the seniors who enrolled in the Medicare Advantage Program. There are 11 million American seniors who are enrolled in the Medicare Advantage Program. This amendment would allow all 11 million to have the same benefits and there would be no carve-out for various groups of seniors because of the influence of a Member of this body.

I want to quote again the New York Times, my favorite source of information, from an article entitled “Senator Tries to Allay Fears on Health Overhaul.”

And the article lists the benefits, and then concludes as follows: “It would be intolerable to ask senior citizens to give up substantial health benefits they are enjoying under Medicare,” said Mr. Nelson, who has been deluged with calls and complaints from constituents. “I am offering an amendment to shield seniors from those benefit cuts.”

He is offering an amendment to shield senior citizens. Well, I am offering a motion that deals with all of the 11 million seniors who are under Medicare Advantage, as the Senator from Florida said, to shield seniors from benefit cuts. That is what this motion is all about. We should not carve out for some seniors what other seniors are getting. We should not cut their benefits and there would be no carve-out for various groups of seniors because of the influence of a Member of this body.

Is there any Member on the other side who can guarantee that seniors in his or her State in Medicare Advantage will not lose a single benefit they have today—not the guaranteed benefit the other side goes to great pains to talk about. I think those who are enrolled in Medicare Advantage know be- lieve that since they receive those benefits, they are guaranteed benefits as well.

I would ask our two physicians here on the floor, who both have had the opportunity to deal with the Medicare Advantage Program, if you have a patient come in and you say: By the way, you are having your Medicare Advantage Program cut, but don’t worry, we are protecting your guaran- teed Medicare benefits, do you think they understand that language?

Mr. COBURN. I would respond to the Senator from Arizona in the following way. First of all, they won’t understand that language. But more importantly, if you look here is Medicare Part A, Medicare Part B, Medicare Part C, and Medicare Part D. They are all law. They are all law. What is guaranteed under the law today is that if you want Medicare Advantage, you can have it. What is proposed to change is that we are going to take away that guarantee. We are going to modify Medicare Part C, which is Medi- care Advantage.

So we have this confusing way of saying we are not taking away any of your guaranteed benefits, but in fact, under the current law today, Medicare Advantage is guaranteed to anybody who wants to sign up for it. So it is duplicitous to say we are not cutting your benefits, when in fact we are.

Let me speak to my experience and then I will yield to my colleague from Wyoming, who is an orthopedic sur- geon.

What is good about Medicare Advantage? We hear it is a money pot to pay for a new program for other people. Here is what is good about it. We get coordinated care for poor Medicare folks. Medicare Advantage coordinates the care. When you coordinate care, what you do is you decrease the num- ber of tests, you prevent hospitaliza- tions, you get better outcomes, and consequently you have healthier seniors.

So when it is looked at, Medicare Ad- vantage doesn’t cost more. It actually saves Medicare money on an individual basis. Because if you forgo the inter- ests of a hospital, where you start incurring costs, what you have done is saved the Medicare Trust Fund but you have also given better care.

The second point I wish to make is that many people on Medicare Advan- tage cannot afford to buy Medicare supplemental policies. Ninety-four per- cent of the people in this country who are on Medicare and not Medicare Advantage who have bought supplemental pol- icy. Why is that? Because the basic un- derlying benefit package of Medicare is not adequate. So here we have this
Mr. COBURN. A lot of them are rural. I don't know the income levels, but I know there is a propensity for actually getting a savings, because you don’t have to buy a supplemental policy if you are on Medicare Advantage.

Mr. BARRASSO. I would add to that, following on my colleague from Oklahoma, that there is the coordinated care, which is one of the advantages of Medicare Advantage, but there is also the preventive component of this. We talk about ways to help people keep their health care costs down, and that has to do with coordinated care and preventing illness.

Mr. COBURN. And we heard from the freshman Democrats that they want to put a new preventive package into the program. Yet they want to take the preventive package out of Medicare Advantage. It is an interesting mix of amendments, isn’t it?

Mr. BARRASSO. We want to keep our seniors healthy. That is one way they can stay out of the hospital, out of the nursing home, and stay active. Yet with the cuts in Medicare Advantage, the Democrats have voted to do that—to cut all the money out of this program that seniors like. Eleven million American seniors who depend upon Medicare for their health care choose this because there is an advantage to them.

My colleague from Oklahoma, the other physician in the Senate, has talked, as I have, extensively about patient-centered health care—not insurance centered, not government centered. Medicare Advantage helps keep it patient centered. So when I see deals being cut behind closed doors where they are cutting out people from all across the country and providing sweetheart deals to help seniors on Medicare Advantage in Florida in order to encourage one Member of the Senate to vote a certain way, I have to ask myself: What about the seniors in the rest of the country, whether it is Texas, Oklahoma, ’Tennessee, or Arizona?

A lot of seniors have great concern, and I would hope they would call up and say this is wrong; we need to know what is going on, and to ask why it is there is a sweetheart deal for one selected Senator from one State when we want to have that same advantage; and why are the Democrats voting to eliminate all this Medicare money?

Mr. CORNYN. May I ask my colleagues a question—maybe starting with the Senator from Arizona—on a related issue. Medicare Advantage is a private sector alternative or choice to Medicare, which is a government-run program. I am detecting throughout all of this bill sort of a bias against the private sector and wanting to eliminate choices that aren’t government-run plans.

Am I reading too much into this or do any of my colleagues see a similar propensity in this bill?

Mr. ALEXANDER. If I may respond to the Senator from Texas, I think he is exactly right. There is a lot of very appealing talk that we hear from the advocates of the so-called health reform bill. But when we get right down to it, and when we examine it closely, we find a big increase in government-run programs. What does that mean for low-income Americans, and what does it mean for seniors who depend on our biggest government-run programs, Medicare and Medicaid? It means they risk not having access to the doctor they want. The Senator from Wyoming mentioned the Mayo Clinic, widely cited by the President and by many on the other side as an example of controlling costs, is beginning to say: We can’t take patients from the government-run programs in some cases because we are not reimbursed properly.

What is going to happen behind all this happy talk we are hearing about health care is, we are going to find more and more low-income patients dumped into a program called Medicaid. Under this program half the doctors will not see a new Medicaid patient. It is akin to giving someone a bus ticket on a bus line that runs half the time. Medicare is going to increasingly look like Medicaid. The Mayo Clinic has already said they can’t afford to serve patients from the government-run programs. The Senator from Texas is exactly right. We don’t have to persuade the 11 million Americans who have chosen Medicare Advantage that it is a good program. They like it. In rural areas, between 2003 and 2007, more than 600,000 people signed up for it. In a way, the Senator from Florida may have a sweetheart deal, but in a way he has done us a favor. We have been trying to say all week the Democrats are cutting Medicare. They are saying: Trust us, we are not cutting Medicare. The Senator from Florida is saying: Floridians don’t trust you. You are cutting their Medicare Advantage. I want to have an amendment to protect them. Senator MCCAIN is saying: Let’s protect all seniors’ Medicare Advantage.

Mr. MCCAIN. May I also point out, for the record, on September 20, 2003, there was a letter to the conference of Medicare, urging them to include a meaningful increase in Medicare Advantage funding for fiscal years 2004–2005—a group of 18 Senators, including Senators Schumer, Lieberman, Clinton, Wyden, Specter, Klobuchar, and others, wrote to Charlene Frizzera, acting administrator of the Centers for Medicare and Medicaid Services.

We write to express our concerns regarding the Centers for Medicare and Medicaid Services’ proposed changes to Medicare Advantage rates for calendar year 2010. The advance notice has raised two important issues that, if implemented, would result in highly problematic premium increases and benefit reductions for Medicare Advantage enrollees across the country.

Again, as recently as last April, there was concern on the other side about cuts in the Medicare Advantage Program.

Mr. COBURN. I wonder if the Senator is aware, in Alabama, there will be 181,000 people who will get a Medicare Advantage option in California, 1,606,000 seniors are going to have benefits cut: Colorado, 198,000; Georgia, 176,000; Illinois, 176,000; Indiana, 148,000; Kentucky, 110,000; Louisiana, 151,000; Massachusetts, 200,000; Michigan, 406,000—that is exactly what Michigan needs right now, isn’t it, for their seniors to have their benefits cut—Minnesota, 284,000; Missouri, 200,000; Nevada, 194,000; New Jersey, 156,000; New York, 853,000; Ohio, 499,000; Oregon, 250,000; Pennsylvania—maybe, maybe not because they may have the deal—866,000; Tennessee, 233,000; Washington State, 225,000; Wisconsin, 243,000.

I ask unanimous consent that the list of what the enrollment is by CMS on Medicare and Medicare Advantage enrollment, as of August 2009, be printed in the RECORD.

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

<table>
<thead>
<tr>
<th>State</th>
<th>MA Enrollment (August 2009)</th>
<th>Eligibles</th>
<th>MA Penetration (percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>181,304</td>
<td>419,112</td>
<td>22.1</td>
</tr>
<tr>
<td>Alaska</td>
<td>462</td>
<td>6,159</td>
<td>0.8</td>
</tr>
<tr>
<td>Arizona</td>
<td>134,157</td>
<td>1,703,175</td>
<td>7.8</td>
</tr>
<tr>
<td>Arkansas</td>
<td>70,137</td>
<td>515,175</td>
<td>13.6</td>
</tr>
<tr>
<td>California</td>
<td>1,691,191</td>
<td>4,502,378</td>
<td>35.3</td>
</tr>
<tr>
<td>Colorado</td>
<td>198,521</td>
<td>991,148</td>
<td>36.6</td>
</tr>
<tr>
<td>Connecticut</td>
<td>94,181</td>
<td>553,928</td>
<td>17.0</td>
</tr>
<tr>
<td>Delaware</td>
<td>6,661</td>
<td>142,716</td>
<td>4.7</td>
</tr>
<tr>
<td>DC</td>
<td>7,976</td>
<td>75,783</td>
<td>10.5</td>
</tr>
</tbody>
</table>
Mr. MCCAIN. The point of all this is, the Senator from Florida, a member of the Finance Committee, felt so strongly that Medicare Advantage was at risk he decided to carve out, and was able to get the majority on a party-line vote of the Finance Committee to carve out a special status for a group of seniors under Medicare Advantage in his State. My motion simply says, everyone whom the Senator from Oklahoma made reference to deserves that same protection. That is all this motion is about.

Mr. CORNYN. If the Senator would yield for a question, if this motion is not agreed to, which protects all Medicare Advantage beneficiaries—all 11 million of them, 532,000 in my State—and as a result of not only these cuts but perhaps additional cuts to come in the future to Medicare Advantage, which will make it harder for Medicare beneficiaries to get coverage, I ask particularly my doctor colleagues, what is the impact of eliminating Medicare Advantage and leaving people with Medicare fee for service, which is, as I recall, the Bennet amendment earlier? You have to parse the language closely, but it talked about guaranteed benefits. I think the Senator from Oklahoma makes a good point. Right now, Medicare Advantage has guaranteed benefits.

Mr. COBURN. Absolutely.

Mr. CORNYN. What is the consequence of seniors losing Medicare Advantage and being forced onto a Medicare fee-for-service program?

Mr. COBURN. Limited prevention screening, no coordinated care, loss of access to certain drugs, loss of access to certain things, such as vision and hearing supplements, but, more importantly, poorer health outcomes. That is what it is going to mean—or a much smaller checkbook, one or the other. A smaller checkbook because now the government isn’t going to pay for it—you are—or poorer health outcomes. If your checkbook is limited, the thing that happens is, you will get the poorer health outcome.

Mr. BARRASSO. Additionally, the Senator from Arizona talked about the closed-door meetings, secretly trying to come up with things.

There was an article in the paper today that the Democrats are turning to actually throwing more people on the Medicare and Medicaid rolls as they are trying to come up with some compromise; the idea being it is going to be compromising the care of the people. They are trying to put more people onto the Medicaid rolls. The Senator from Tennessee has said many physicians don’t take those patients because reimbursement is so poor. It is putting more people into a boat that is already sinking. They want to put more people on Medicaid and more on Medicare, but at the same time they are cutting Medicare by $464 billion. This is a program we know is already sinking. They want to put people age 55 to 64, add those to the Medicare and Medicaid rolls, which is a program we have great concerns about.

Special deals for some, cutting out many others, now adding more people to the Medicare rolls—to me, this is not sustainable. Yet these are the deals that are being cut less than 100 feet from here off the floor of the Senate, when we are out here debating for all the American people to see the things we think are important about health care. Jobs are going to be lost as a result, if this bill gets passed. People who have insurance will end up paying more in premiums, if this bill is passed. People who depend on Medicare, whether it is Medicare Advantage or regular Medicare, will see their health care deteriorate as a result of this proposal. I turn to the Senator from Arizona, who has been a special student of this.
Mr. MCCAIN. So you are making the case that even though it may cost more, the fact that you have a well- and fitter group of senior citizens, you, in the long-run, reduce health care costs because they take advantage of the kind of care that, over time, would keep them from going to the hospital earlier or having to see the doctor more often.

Mr. BARRASSO. That is one of the reasons that Medicare Advantage was brought forth. I know a lot of Senators from rural States supported it because it would allow people in small communities to have this advantage to be in a program such as that. It could encourage doctors to go into those communities to try to keep those people well, work with prevention. The 11 million people who are on Medicare Advantage know they are on Medicare Advantage. They have chosen it. It is the fastest growing component because people realize the advantages of being on Medicare Advantage. If they want to stay independent, healthy, and fit, they sign up for Medicare Advantage. I would think that across the country, who are seniors on Medicare but are not on Medicare Advantage, would want to say: Why didn’t I know about this program? As seniors talk about this at senior centers—and I go to centers and meetings there and visit with folks and hear their concerns—they are converting over and joining, signing up for Medicare Advantage because they know there are advantages to it. For this Senate and the Democrats to say: We want to slash over $100 billion from Medicare Advantage, I think the people of America understand this is a great loss to them and a peril to their own health, as they lose the coordinated care and the preventive nature of the care.

Mr. MCCAIN. I ask the Senator from Tennessee, do you know of any expert economist on health care who believes we can make these kinds of cuts in Medicare Advantage and still preserve the same benefits the enrollees have today?

Mr. ALEXANDER. The answer to the Senator from Arizona is no. I do not know of one. I know of one Senator at least who does not believe it. He is the Senator from Florida. It is interesting that all week we have been going back and forth. We have been saying to the Democrats: You are cutting Medicare benefits. They have been saying: No, we are not. We have been saying: Yes, you are. No, we are not.

I am sure the people at home must say: Well, who is right about this? Well, the Florida, who sits on the other side of the aisle, has said: I am not willing to go back to Florida and say to the people of Florida that your benefits are going to be cut if you are on Medicare Advantage, so I want an amendment to protect you. The Senator from Texas wants and amendment to protect 11 million seniors and so does the Senator from Oklahoma and so does the Senator from Louisiana and so does the Senator from Wyoming, and the Senator from Tennessee.

So the Senator from Arizona is saying, we believe you are cutting Medicare Advantage benefits for 11 million Americans. The Senator from Florida does not trust you. We do not either. We want an amendment that protects 11 million seniors.

Mr. CORNYN. Madam President, I would ask our Senators to expand in the brief time we have. It seems as if all of the discussion about health care reform is a bit about accountable care organizations, coordinating care, particularly in the later part of life, avoiding chronic diseases in life.

When I was at a Methodist Clinic in Houston, TX, they told me it is Medicare Advantage that allows them to coordinate care, to hold down costs, to keep people healthier longer. Yet the irony, to me, is that by trying to move toward that kind of coordinated, less expensive care. Would the Senator concur with that? Mr. BARRASSO. I would concur that this is actually taking a step backward. That is why the Senator from Florida has demanded they make accommodations for the people of Florida. The people of Wyoming want those same accommodations, as do the people of Arizona and Texas. Because 11 million Americans have chosen the Medicare Advantage Program because it does help coordinate care. It has preventive care. It keeps it more patient centered, government centered, insurance company centered. That is the way for people to stay healthy, live longer lives, and keep their independence.

We have seen cuts across the board on Medicare, whether it is home health, nursing homes, hospice care, Medicare Advantage. And across the board, they are cutting Medicare in a way that certainly the senators of this country do not deserve. They have paid into that for many years and they deserve their benefits.

Mr. ALEXANDER. If I may say to the Senator from Arizona one other thing, we have talked a lot about our good friend, the Senator from Florida, and how he has been so perspective on noticing that his Floridians with Medicare Advantage may lose their Medicare benefits.

Mr. ALEXANDER. I say to the Senator from Arizona, I believe there are other Medicare benefits that are likely to be cut in this bill. Aren’t there cuts to hospice? Aren’t there cuts to home health care, which we talked about yesterday? So if Floridians do not trust the Democratic bill to protect their Medicare benefits from Medicare Advantage, why should they trust the Democratic bill to protect any of their Medicare benefits?

Mr. MCCAIN. I wish to finally point out what Mr. COBURN said. Medicare Part C, which is Medicare Advantage, is part of the law, and to treat it in any way different, because no one on the other side do not particularly happen to like it, I think is an abrogation of the responsibilities we have to the seniors of this country.

I thank my colleagues and yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I rise today to talk about another amendment that is pending, the Nelson-Hatch-Cassey amendment. This is an amendment that I think has been discussed in the last day as well. That is the amendment that would assure that no Federal funds are spent for abortion. That was unclear. It is unequivocal in the underlying bill. I think it is very important we talk about it, that we make sure it is very clear exactly what the Nelson-Hatch-Cassey amendment does; and that is, it would bar Federal funding for abortion, which is basically applying the Hyde amendment to the programs under this health care bill.

Since the Hyde amendment was first passed in 1977, the Senate has had to vote on this issue many times, probably just about every year, and I have consistently voted to prohibit Federal funding for abortions, as I know my colleague and friend from Utah has done, as well as the Democratic sponsors of this amendment.

Yet it seems that some Members were on the floor last night misconstruing exactly what the Nelson-Hatch-Cassey amendment does. Specifically, their claim was that the Hyde language only bars direct funding for elective abortions. As such, the Nelson-Match-Cassey amendment bars funding of an entire benefits package that includes elective abortions and therefore is unprecedented.
I wish to ask the distinguished Senator from Utah, what exactly did the Hyde language say? Let’s clarify what Hyde was, so we can then determine if your amendment is the same.

Mr. HATCH. I thank the Senator so much.

The current Hyde language contained in the fiscal year 2009 Labor-HHS Appropriations Act says the following:

SEC. 507. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which any funds are appropriated in this Act, shall be expended for any abortion. (b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which any funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

Mrs. HUTCHISON. So Federal funds are prohibited from being used in abortions in that particular bill.

What about programs such as CHIP, that was created in the Balanced Budget Act? And in 2009, it was reauthorized by Congress and signed by the President earlier this year. What about the CHIP program?

Mr. HATCH. I know a little bit about CHIP. That was the Hatch-Kennedy bill. I was one of the original authors of the program and insisted that the following language be included in the original statute:

LIMITATION ON PAYMENT FOR ABORTIONS
(A) In general.—Payment shall not be made out of any Federal fund to a State for any amount expended under the State plan to pay for any abortion or to assist in the purchase, in whole or in part, of health benefit coverage that includes coverage of abortion.
(B) Exception.—Subparagraph (A) shall not apply to an abortion only if necessary to save the life of the mother or if the pregnancy is the result of an act of rape or incest.

That is what the CHIP bill said, and that was the Hatch-Kennedy bill.

Mrs. HUTCHISON. I would assume you disagree with that language?

Mr. HATCH. The reason I mentioned Senator Kennedy is because he was the leading liberal in the Senate at the time, and yet he agreed to that language.

As to the Federal Employees Health Benefits package, the following language appears in the Financial Services and General Government Appropriations Act for fiscal year 2009:

SECTION 614. The provisions of Section 613 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

Mrs. HUTCHISON. Well, isn’t that the same as the language in the Nelson-Hatch-Casey amendment?

Mr. HATCH. You are absolutely right.

Let me read the language for you in the Nelson-Hatch-Casey amendment.

IN GENERAL.—No funds authorized or appropriated by this Act (or an amendment made by this Act) may be used to pay for any abortion or to cover any part of the costs of any health plan that includes coverage of abortion.

Mrs. HUTCHISON. So based on what you have said, this is not new Federal abortion policy. The Hyde amendment currently applies to the plans discussed, including the plans that Members of Congress have authorized for the protection of all of the Federal health programs. All say exactly the same thing.

The amendment we are going to vote on is the Nelson-Hatch-Casey amendment which would preserve the three-decades-long precedent—that is what your amendment does—and that we must pass it if we are going to guarantee that the bill that is on the floor is properly amended so it is the same as our 30 years of abortion Federal policy in this country?

Mr. HATCH. Right. The reason it is so critical we pass the Nelson-Hatch-Casey amendment is that it is the only way to guarantee that taxpayers’ dollars are not used to pay for abortion. In other words, the Hyde language is in the appropriations process. We have to do it every year rather than making it a solid amendment. But this bill is not subject to appropriations. This language is in the fiscal year 2009 Labor-HHS Appropriations Act, the language we have in the amendment, the Nelson-Hatch-Casey amendment, then we would be opening up a door for people who believe that abortion ought to be paid for by the Federal Government to do so. And we should close that door because that has been the rule since 1977.

Mrs. HUTCHISON. I thank the Senator for the explanation. I thank the Senator from Utah because I do think he understands. He is one of the Members who have a lot of questions raised about the bill and whether it would be a foot in the door for changing a policy that has been the law of our country, and accepted as such. Whether it was a Democratic-controlled Congress or a Republican-controlled Congress, I think everyone has agreed this Hyde amendment language has protected Federal taxpayers who might have a very firm conviction against abortion so they would not have to be subsidizing this procedure.

Mr. HATCH. I appreciate the Senator from Texas pointing this out. The current bill has language that looks like it is protective, but it is not. That is what we are trying to do: close the loophole that language and get it so we live up to the Hyde amendment, which has been in law since 1977.

To be honest with you, I do not see how anybody could argue that the taxpayers ought to be called upon to foot the bill for abortions. Let’s be brutally frank, if the taxpayers should not be called upon to pay for abortions. The polls range from 61 percent of the American people, including many pro-choice people, who do not believe taxpayers should pay for abortions, to 68 percent. The polls are from 61 to 68 percent of those who do not believe the taxpayers ought to be paying for abortion, except to save the life of the mother or because of rape or incest. And we have provided for those approaches in this amendment. So anybody who argues otherwise is plain not being accurate.

Mr. SPECTER. Madam President, will the Senator from Utah be willing to yield for a question?

Mr. HATCH. Sure.

Mr. SPECTER. My question relates to the provisions of the pending bill, section 1303(2)(A)(vii) which specifies that the plan will not allow for any payments of abortion, and where there is, as provided under section 1303(2)(B), there will be a segregation of funds. So that under the existing statute, there is no Federal funding for abortion. But a woman has the right to pay for her own abortion coverage. And with the status of Medicaid, where the prohibition applies to any Federal funds being used for payment for an abortion, there are loopholes, which allow for payment for abortion coverage coming out of State funds.

So aren’t the provisions of this statute, which enable a woman to pay for an abortion on her own, exactly the same as what is now covered under Medicaid, without violating the provisions of the Hyde amendment?

Mr. HATCH. Well, the way we view the current language in the bill is that it is a loophole, whereby they can even use Federal funds to provide for abortion under this segregation language, and that is what we are concerned about. We want to close that loophole and make sure the Federal funds are not used. Like I say, there are millions of people who are pro-choice who agree with the Hyde language. All we are doing is putting the Hyde language into this bill in a way that we think will work better.

Mr. SPECTER. If the Senator will yield further.

Mr. BROWNBACK. Will the Senator yield for a comment?

Mr. HATCH. I would be happy to yield.

Mr. BROWNBACK. In responding to the Senator from Pennsylvania as well, I wish to quote BART STUPAK, who cared to make the same sort of the points you are putting forward, only on the House side. The same sorts of questions, naturally, were coming forward, saying: OK, you are blocking abortion funding for the individual. He said this—and I am quoting directly from Representative STUPAK:

The Capps language—which is in the base Reid bill here—departed from Hyde in several important and troubling ways: by mandating that at least one plan in the health insurance exchange provide abortion coverage, by requiring a minimum $1 monthly charge for all covered individuals that wish to pay toward partial or full abortion coverage, by allowing individuals receiving Federal affordability credits—
Those are Federal dollars—
to purchase health insurance plans that
cover abortion. . . .

In all those ways, the Capps amend-
ment—which is in the Reid bill—ex-
pands and does allow Federal funding
of abortion that we have not done for
33 years.

Going on with Representative Stu-
pak’s statement:
Hyde currently prohibits direct federal
funding of abortion. . . . The Stupak amend-
ment—which is also the Nelson-Hatch amend-
ment—is a continuation of this policy—
Of the Hyde amendment—nothing more, nothing less.

I think it is important to clarify that
this is a continuation of what we have
been doing for 33 years that the Sen-
ator from Utah and the Senator from
Nebraska are putting forward with this
amendment.

I thank my colleague for yielding.
Mr. HATCH. Madam President, I thank
my colleague for bringing it for-
ward. The segregation language is very
problematic language. That is what we are
talking about. We basically have all agreed with the Hyde amend-
ment, which is from 1977, and this would, in
effect, incorporate the language in the bill.

Mr. JOHANNES. Would the Senator
yield for another comment?

Mr. HATCH. Sure.

Mr. JOHANNES. I might just offer a
thought here on that language. The Na-
tional Right to Life group saw through
that gimmick immediately. It took
them about 20 seconds to figure out
what was happening here. I think they
referred to it as a “bookkeeping gimp-
mick,” that somehow there would be
some segregation if the Federal money
went in your left pocket but you paid
for abortions out of your right pocket.
It doesn’t make any sense. That seg-
reration isn’t going to work. They saw
through it. They saw the gimmick it
was.

Let me just say, I support the Sen-
ator’s amendment. I applaud Senator
HATCH and Senator Nelson and Sen-
ator Casey for bringing this very im-
portant issue forward. I applaud you
for keeping this effort that started
with the Hyde amendment—or Hyde
language, rather—because what we are
really doing here is we are saying very
clearly to the American people, wheth-
ether directly or indirectly, your tax dol-
lars are not going to be used to buy
abortions.
Thank you for your leadership on
this issue. I am happy to be here to
support that.

Mr. SPECTER. Would the Senator
from Utah respond to my question?
How can you disagree with the provi-
sions of section 1303(2)(B) of the bill
which is pending which specifies that if
a qualified health plan provides serv-
ces for abortion—this is the essence of
it—if a qualified health plan provides
coverage for services for abortion, the
issuer of the plan should not use any
amount of the Federal funds for abor-
tion? So there is a flatout prohibition
for use of Federal funds. And under sec-
tion 1303(2)(B), there is a segregation of
funds which is identical to Medicaid.

So how do you characterize it, how do you respond to the
flat language of the statute which ac-
complishes the purpose of the Hyde
amendment and allows for a payment
by collateral funds, just as Medicaid
pays for abortions without Federal funds?

Mr. HATCH. Let me respond to the
distinguished Senator, although I am
not going to ask him a formal ques-
tion. If that is true, then why have the
Capps language in there? Why don’t we
just take the Hyde language, which is
what we are trying to do. It isn’t true.
We know in this bill there will be sub-
sidization to help people pay for health
insurance. In fact, the subsidization
can go to people up to $88,000 a year,
and these can be used directly, used
for abortion. It is a loophole that Hyde
closes.

If the distinguished Senator from
Pennsylvania believes the Capps lan-
dge does what Hyde meant to begin
with and what Hyde has been since 1977,
what is wrong with putting the Hyde
language in here and solving the prob-
lem once and for all? We see it as a
loophole through which they can actu-
ally get help from the Federal Govern-
ment directly and indirectly to pay for
abortion.

Now, let’s think about it. There are
no mandates in this language that we
have for elective abortion coverage.
Plans and providers are free from any
government mandate for abortion.
There is no Federal funding of elective
abortion or plans that include elective
abortion except in the cases where
the life of the mother is in danger or the
pregnancy is caused by rape or incest.
The amendment allows individuals to
purchase a supplemental policy from
a plan that covers elective abortion as
long as it is purchased with private
dollars. The amendment prohibits the
public plan from covering elective abor-
tions. It prevents the Federal Gov-
ernment from mandating abortion cov-
ervation by private health plans or pro-
viders within such plans. And insured
plans are not prevented from selling
truly private abortion coverage, even
through the exchange. This
amendment doesn’t prohibit that.
The bottom line: The effect on abor-
tion funding and mandates is exactly
the same as that of the House bill
changed by the Stupak amendment.

Now, look, if the distinguished Sen-
ator from Pennsylvania believes the
Capps language is the same as Hyde, he
is wrong. And if he believes it does
what Hyde would do, he is wrong there.
Why not just put the Hyde language in
once and for all, which has been there
since 1977? That is what the Stupak
language is.

The Hyde amendment specifically re-
moves abortion from government pro-
grams, but the Reid bill specifically al-
1ows abortion to be offered in two huge
new government programs. The Reid
bill tries to explain this contradiction
by calling for the segregation of Fed-
eral dollars when Federal subsidies are
used to purchase health plans. This
“segregation” of funds actually vio-
lates the Hyde amendment which pre-
vents funding of abortion not only by
Federal funds but also by State match-
ing funds within the same plan. Simply
put, today, Federal and State Medicaid
dollars are not segregated. So that is
the difference.

If the distinguished Senator from
Pennsylvania believes the current lan-
dge in the Reid bill meets the quali-
ties of the Hyde language, then why
not just put the Hyde language in once
and for all since it has been in law
since 1977?

It is important to note that today
there is no segregation of Federal funds
in any Federal health care program.
For example, the Medicaid Program
receives both Federal and State dollars.
There is no segregation of either the
Federal Medicaid dollars or the State
Medicaid dollars.

With that, I know I have some col-
leagues who have asked for some time
to speak, so I will yield the floor.
Mr. VITTER addressed the Chair.
Mr. SPECTER. The Senator from
Utah has not yet answered the ques-
tion.

The PRESIDING OFFICER. The Sen-
ator from Louisiana is recognized.
Mr. VITTER. Thank you, Madam
President.

I strongly support the efforts of the
distinguished Senator from Utah and
his amendment offered along with Sen-
ator NELSON and Senator CASEY. And I
think this exchange and this colloquy
is very helpful. In fact, I think it
proves the point, particularly the par-
ticipation of the Senator from Pennsyl-
vania in it. The only folks who are de-
fending the language in the Reid bill
and the folks who are clearly pro-
choice, pro-abortion. Folks who have
a fundamental problem with that
all say the underlying language in the
Reid bill has huge loopholes. That in-
cludes people who want to support the
bill otherwise. I am strongly against
this bill. I am not in that category.
But, as the distinguished Senator, Mr.
BROWNBACK, mentioned, Representative
STUPAK wants to support the under-
lying bill. He supported it in the House,
but he was very clear in his efforts on
the House floor that the underlying
language, which is now in the Reid bill,
had huge loopholes, wasn’t good
enough, needed to be fixed. That is why
he came up with the Stupak language,
and that is essentially exactly what we
have in this amendment.

Similarly, the U.S. Conference of
Bishops is very supportive of the con-
cepts of the underlying bill, but they
have said clearly that the Reid bill is
“unacceptably unvirtuous” on this abor-
tion issue and “is actually the worst bill we have seen so far on
the life issues.”
So this colloquy involving the distinguished Senator from Pennsylvania. I think that general debate proves the point clearly.

I again compliment the Senator from Utah, along with Senator Nelson, Senator Harkin, and others—I am a co-sponsor of the amendment—on this effort. We need to pass this on the bill. This will do away with the loophole. This will be real language to truly prohibit taxpayer funding of abortions. This constitutes exactly the same as that long tradition, since 1977, of the Hyde amendment. This marries the Stupak language, so it should be crystal-clear.

What will this amendment specifically do? It will mean there are no mandates for elective abortion coverage. Plans and providers are free from any government mandate for abortion under this amendment language. It would mean there is no Federal funding of elective abortion or plans that include elective abortion except in the case of when the life of the mother is in danger or in case of rape or incest. It means this amendment would allow individuals to purchase a supplemental policy or a plan that covers elective abortion as long as that separate purchase is completely with private dollars. It would prohibit the public plan from covering those elective abortions and prevent the Federal Government from mandating abortion coverage by any private plan. In other words, plans prevented from selling truly private abortion coverage, including through the exchange, but taxpayer dollars would have nothing—absolutely nothing—to do with it.

Bottom line: The effect on abortion funding and mandates is exactly the same as the long and distinguished tradition of the Hyde amendment with this amendment, and it would be exactly the same as the Stupak language on the Senate.

I also agreed with the distinguished Senator from Utah when he said this should not be of any great controversy. Abortion is a deeply divisive issue in this country, but taxpayer dollars being used to pay for abortion is not. There is a broad and a wide and a deep consensus against using any taxpayer dollars to pay for abortion. The Senator from Utah mentioned polls. That is what it will do.

The PRESIDING OFFICER. The Senator from Utah?

Mr. HATCH. Madam President, I am very appreciative of the Senator from Texas, the distinguished Senator from Louisiana, the distinguished Senator from Nebraska, and, of course, the distinguished Senator from Kansas and South Dakota who are here on the floor and participating. I believe we have until 12:27, so I am going to relinquish the floor.

Mr. THUNE. Before the Senator leaves, I wish to put one fine point on something the Senator said in response to the question from the Senator from Pennsylvania about the use of Medicaid funds in the States.

There are a number of States that do provide programs that have abortion funding, but I think there is a very clear distinction that needs to be made in Medicaid funds which are matching funds, and none of those funds can be used to fund abortions. You said that there is no debate about that, but I think that point needs to be made very clearly because the Senator from Pennsylvania was implying that somehow, since States have created programs to fund abortions and since Medicaid is a Federal and State program, that somehow those two are being mixed, and that this idea that because they are calling for segregation, that really doesn’t exist in the Medicaid Program.

The Medicaid Program—those are mandated Federal-State program. The Federal dollars that go into the Medicaid Program—the prohibition that exists on Federal funding of abortions applies to Medicaid dollars that go to the States, to the degree that States have adopted programs that fund abortion. Those are State Funds and not Medicaid funds, which are matching funds.

Mr. HATCH. I am glad the Senator made that even more clear. Last night, a number of Democrats completely dismissed that language. If they think the Capps language equals the Hyde language, why not put it in? They want to be able to fund abortion any way they possibly can, to fund it in a variety of ways, with Federal dollars, if we don’t put the Hyde language in. That is what this is about.

Mr. BROWNBACK. Will my colleague yield?

Mr. HATCH. I am happy to.

Mr. BROWNBACK. If you are not clear about this, then abortion will be funded. If there is any of this that needs clarity one thing is for certain with the Capps language in the base-line of the Reid bill, that abortion will be funded.

The Commonwealth of Massachusetts recently passed its State-mandated insurance, Commonwealth Care, without an explicit exclusion on abortion. Guess what. Abortions were also funded immediately. In fact, according to the Commonwealth Care Web site, abortion is considered covered as outpatient medical care. That is a point about being clear with the Hyde-type language, which is the Nelson-Hatch language, which is not going to fund this, and we are going to continue the 33-year policy. If we keep the Capps language in that funds abortion—the last time the Federal Government funded abortions was during that 33-year period before the Hyde, and we were funding about 300,000 abortions a year. The Federal taxpayer dollars funded abortions through Medicaid.

I cannot believe any of my colleagues would support. Yes, I would be willing to buy into that 300,000 abortions a year when President Obama and President Clinton said we want to make abortions safe, legal, and rare. Well, 300,000 a year would not be in that ballpark. That is the past number that happened when you didn’t have Hyde language in place at the Federal level.

Mr. HATCH. That is what it will do here too. All this yelling and screaming when they say it equals the Hyde language—it doesn’t. That is the problem. If they want to solve the problem, why not use the Hyde language that has been accepted by every Congress since 1977? The Senator is right that there were 300,000 abortions a year between 1973 and 1977 because we didn’t have the Hyde language. We got tired of the taxpayers paying for them. Why should they pay for it? Why should taxpayers who are pro-life—for religious reasons or otherwise—have to pay for abortions, elective abortions by those who say no? They are amoral.

To be honest, the language in the current bill is ambiguous and it would allow that. Anybody who is arguing this is the same as the Hyde language hasn’t read the Capps language. We want to change it to go along with Hyde. It doesn’t affect the right to abortion, except that we are not going to have taxpayers paying for it.

Mr. HATCH. If the Senator will yield.

Mr. HATCH. Yes.

Mr. THUNE. That is what STUPAK and other Members of the House of Representatives saw; that this created
tremendous ambiguity and they sought to tighten it up and reinstate the long-standing policy regarding Federal funds and their use to finance abortions since 1977, the Hyde language. The Stupak amendment to the House bill passed overwhelmingly. This was a sizable, decisive majority of Members in the House of Representatives who saw through what the ambiguity was that existed regarding the House bill and now the Senate bill.

The ambiguity is really ambiguous for the reasons you mentioned. This simply clarifies, once and for all, what has been standard policy at the Federal level going back to 1977. As the Senator stated earlier, I believe it represents the consensus view in America of both Republicans and Democrats who believe this ground we can all stand on, irrespective of where people come down on this issue; that the idea that somehow Federal taxpayer funds ought to finance abortions is something most Americans disagree with. That is why there has been such broad, bipartisan support for this particular policy, and that is why it should be extended into the future.

As the Senator from Utah said, 61 percent are against funding abortions. But I have seen polls that suggest it is much higher than that. I know it is much higher in my State of South Dakota. I commend the Senator for seeing his way to offer an amendment that clarifies and removes all this ambiguity and what, to me, is clearly an intentional ambiguity regarding this issue and the underlying bill.

Mr. HATCH. Madam President, I ask unanimous consent that Senator CORNYN be added as a cosponsor to the Nelson-Hatch amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska is recognized.

Mr. JOHANNES. Madam President, how much time remains?

The PRESIDING OFFICER. There is 4 minutes remaining.

Mr. JOHANNES. Madam President, I have been on the floor a number of times debating this issue, a while back on a motion to proceed and since this amendment has come up. I wish to tell the Senator from Utah that I don’t believe I have seen a more concise, clear explanation of the history of the Hyde language than I saw over the last half hour of debate on the Senate floor. The Senator spoke perfectly. The Senator laid out how we have, over a long period of time, stayed with that Hyde language. That was the agreement that had been reached.

Our colleague from Texas said this is a floor debate, and I agree with her. If this Reid bill passes with the current language on abortion, it is not only a foot in the door but, in my estimation, it kicks down the door. It kicks down the door and sets up structure for the Federal funding of abortions. That is what we are going to end up with.

A couple weeks ago, I came to the floor when we were debating the motion to proceed and I said, at that time, to me, this is the pro-life vote, because if this bill goes to the floor, we will now need 60 votes to get an amendment passed. I said I don’t count the 60. I issued a challenge and I said: If there is any Member who has a list of 60 Members who will vote for this amendment, I am willing to look at that and change my view of the world. Well, that hasn’t happened.

In fact, there are many predictions being made that, sadly and unfortunately, this Congress will not get the 60 votes it needs.

Let me put this into context. For pro-life Senators, this is the vote, but it doesn’t stop here. In my estimation, you are pro-life on every vote. You don’t get a pass on this vote or that vote or the next vote or whatever the vote is. You are pro-life all the way through.

Even if this amendment doesn’t pass, I wish to make the case that this bill should not go forward because it literally will create a system, a structure, a way to finance abortions. I don’t believe that is what this country wants. Many Senators, including the Senator from South Dakota and the Senator from Kansas, have clearly stated that. The Senator from Montana has made the case that the people of the United States do not want their tax dollars to go to buying abortions.

My hope is, 60 Senators will step up on this amendment. I will sure support it. I wish to make this very clear in support of it. I am so appreciative that Senator NELSON and Senator HATCH and Senator CASEY brought this forward. I am glad to be a cosponsor. It is my hope this amendment will pass.

It is my conviction that we need to stand strong throughout this debate and make sure this language doesn’t end up in the final bill. I yield the floor.

The PRESIDING OFFICER. The Senator’s time has expired. The Senator from Montana has 3 minutes 17 seconds remaining.

Mr. BAUCUS. Madam President, with respect to the last debate, let’s be clear that the underlying bill keeps the three-decades-old agreement that has implemented the Hyde amendment to separate Federal funds from private funds when it comes to reproductive health care.

The Nelson-Hatch amendment is unnecessary. It is discriminatory against women. Women are the only group of people who are told how to use their own private money. That is unfair.

On another matter, with respect to the McCain motion, let me explain a little bit about Medicare Advantage and how it works. Essentially, the Medicare Advantage Programs are insurance companies. They are insurance companies that have their own officers, directors, their own marketing plans and their own administrative costs and they are concerned about the rate of return on investment for their stockholders. These are simple, garden variety, ordinary insurance companies.

In this case, they are insurance companies that get general revenue from payroll taxes and premiums. They are basically insurance companies that give benefits to senior citizens. These insurance companies are overpaid. There is not much disagreement that they are overpaid. How are they paid? Well, believe it or not, these insurance companies—Medicare Advantage programs—pay the amount Congress sets in statute. That is their payment rate, what Congress sets in statute.
The problem is, by doing so, these preset rates overstate the actual cost of providing care by 30 percent. We pay more than it costs to provide care by about 30 percent, in many cases. These overpayments also clearly promote inefficiencies in Medicare. Also, these payments have not been proven to increase the quality of care seniors receive. In the estimate I saw, about half the Medicare Advantage plans have care coordination and half don’t. Half are the ordinary fee-for-service plans. Because of this broken, irrational payment system, some plans receive more than $200 per enrollee per month and others receive about $36 per enrollee per month.

Again, the payment rates are set by statute, relating to fee for service in the area. It is broken. It doesn’t make sense. It causes great dislocations and differences in the payment rates. Frankly, under this broken system, all beneficiaries receive the same care. I believe all beneficiaries should be able to have access to the best care, not just those who happen to live in States with high payment rates.

Mr. COBURN. The Senator’s time has expired.

Mr. BAUCUS. Madam President, I ask unanimous consent to continue for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I have said these Medicare Advantage plans are overpaid. Nobody disagrees with that. They are overpaid. The Senator from Oklahoma, Mr. COBURN, when I asked him a few days ago if he thought they were overpaid, said: Yes, they are overpaid. The MedPAC advisory board tells us: Yes, they are overpaid.

Here is a statement made by Tom Scully, former Administrator of the Center for Medicare and Medicaid Services:

I think Congress should take some of it away, the over-funds.

There are lots of other citations from Wall Street analysts and others in the industry saying clearly the Medicare Advantage plans are overpaid. Frankly, we, in Congress, put a statutory provision in law that has caused this overpayment. Clearly, we should fix it.

In addition, something that is pretty alarming is, according to a study I saw, only about 14 cents on the dollar of extra payments to Medicare Advantage plans go to beneficiaries—only 14 cents—which means 86 cents on the dollar goes to the company, not to the beneficiaries, not to the enrollees but to the companies—"the companies" meaning the officers, directors, administrative costs, marketing costs, rate of return. It is to the company, any ordinary, garden variety company. Therefore, it behooves us to find a better way to pay Medicare Advantage companies so it is efficient, there is not waste, and payments go primarily to enrollees, to beneficiaries.

How do we do that? This legislation moves away from the current archaic system which sets statutory amounts in effect. Rather, we say, OK, why not have these companies bid? Let them compete based on costs in their regions. One region of the country is different from another region of the country. We are going to say what is fair here and what is a lot of waste and overpayments is provide that Medicare Advantage plans can compete in their area based on cost.

The plan will be paid the average bids that are based on competition in the area. We think that that is a fair way of paying for Medicare Advantage.

Will that reduce payments to beneficiaries? Certainly no. All guaranteed benefits are guaranteed in this legislation. In fact, I am going to check up on another statistic. I heard somewhere under this legislation there will be an increase of enrollees—not a decrease, an increase of enrollees. I am going to track that down because I want to be sure I am accurate.

I will conclude. I want to talk more about this issue later. There may be a separate amendment on this subject offered on our side. By and large, it is wrong to continue a current system that dramatically overpays and where 86 percent of the overpayment goes to the company and only 14 cents goes to the beneficiaries. We have to come up with a fair way of paying Medicare Advantage. I think a fair way is to have the companies competitively bid based on their own costs. That way they are going to get reimbursed at a level that is relevant to their area, and it is also relative to the cost they incur when they run their plans. I will have more to say about that later.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m. and reassembled when called to order by the President (Mr. FRANKEN).

SERVICE MEMBERS HOME OWNERSHIP TAX ACT OF 2009—Resumed

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I ask unanimous consent that the time be extended for the authors of this bill, think that is a far better way of paying for Medicare Advantage.

Will that reduce payments to beneficiaries? Certainly no. All guaranteed benefits are guaranteed in this legislation. In fact, I am going to check up on another statistic. I heard somewhere under this legislation there will be an increase of enrollees—not a decrease, an increase of enrollees. I am going to track that down because I want to be sure I am accurate.

I will conclude. I want to talk more about this issue later. There may be a separate amendment on this subject offered on our side. By and large, it is wrong to continue a current system that dramatically overpays and where 86 percent of the overpayment goes to the company and only 14 cents goes to the beneficiaries. We have to come up with a fair way of paying Medicare Advantage. I think a fair way is to have the companies competitively bid based on their own costs. That way they are going to get reimbursed at a level that is relevant to their area, and it is also relative to the cost they incur when they run their plans. I will have more to say about that later.

I yield the floor.

Mrs. BOXER. Mr. President, in the middle of a very important debate about whether we are going to move forward and make sure our people in America have health care, that is what it is about. I am going to throw out a few numbers that are always on my mind as I talk about this issue. One of them is 14,000. Every day, 14,000 Americans lose their health insurance. It is wrong because something is wrong. A lot of times it is just because they get sick and their insurance company walks away from them or they may reach the limit of their coverage, which they didn’t realize they had, and they are done for. They lose their job and suddenly they can’t afford to pay the full brunt of their premium. They could get sick and then all of a sudden are now branded with a PC—that and that is not a personal computer; it is a preexisting condition—and they can’t get health care.

So we are in trouble in this country, with 14,000 Americans a day losing their health care, and a lot of them are working Americans. As a matter of fact, most of them are working Americans. Sometimes a child, for example, will reach the age where they can no longer be covered through their parents’ plan, and the child might have had asthma. When they go to the doctor, they beg the doctor not to say they have asthma. I have doctors writing to me saying that parents are begging them: Please, don’t write down that my child has asthma; say she has bronchitis because when she goes off my medical plan, she is going to be branded with a preexisting condition. So 14,000 Americans a day, remember that number.

Then, Mr. President, 66 percent, that is the percentage—66 percent—of all bankruptcies that are due to a health care crisis. People are going bankrupt not because they didn’t manage their money well or they didn’t work hard and save but because they are hit with a health care crisis and either they had no insurance or the insurance refused them. The stories that come across my desk, as I am sure yours, are very heartbreaking. So people are going to lose everything because of a health care crisis.
Yesterday, I brought up a couple of numbers—29 out of 30 industrialized nations. That is where we stand on infant mortality. We are not doing very well. It is no wonder; more than 50 percent of the women in this Nation are not seeking health care when they should. They are the ones suffering and never getting it. No wonder we don't do well with infant mortality.

Now, why don't women do this? Because they either don't have insurance or the insurance doesn't have enough conscience. They just can't afford the cost. They are fearful that they may lose their job. They are fearful that maybe if they go this time, the insurance company will say: No more.

We rank 24 out of 30 industrialized nations for life expectancy. My constituents are shocked to hear that. They are shocked at the infant mortality ranking, and they are shocked at the life expectancy ranking. I have heard my Republican friends try to rationalize this: Well, it is because our population is diverse—and all the rest.

This is the most powerful, richest Nation on Earth. There is no reason we have to be 24 out of 30 in terms of our life expectancy, especially when we know so much of our problem deals with access to health care. You have to look behind this amendment to understand how pernicious it really is. I have five male colleagues on the side of the aisle who were on the Senate floor for at least an hour or so talking about this amendment, and one thing about each and every one of them is that they are opposed to abortion.

There is no question about it. They want to take away a woman's right to choose, even in the earliest stages of the pregnancy, even if it impacts her health, her ability to remain fertile, or her ability to avoid a very serious health issue such as a heart problem, a stroke. They do not want to have an exception for a woman's health. No question, that is what they want.

The PRESIDING OFFICER. The Senator from California, Mrs. BOXER. I ask unanimous consent for an additional 30 seconds, and then I will turn to Senator LAUTENBERG.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. So to sum up my part, the amendment that has been offered by Senators NELSON, HATCH, VITTER, BROWNBACK, et al., hurts women. It singles out women and to say to the women of this country that they can't use their own private funds to purchase insurance that covers the whole range of reproductive health care.

You have to look behind this amendment to understand how pernicious it really is. I have five male colleagues on the other side of the aisle who were on the Senate floor for at least an hour or so talking about this amendment, and one thing about each and every one of them is that they are opposed to abortion illegally. There is no question about it. They want to take away a woman's right to choose, even in the earliest stages of the pregnancy, even if it impacts her health, her ability to remain fertile, or her ability to avoid a very serious health issue such as a heart problem, a stroke. They do not want to have an exception for a woman's health. No question, that is what they want.

The PRESIDING OFFICER. The Senator from California, Mrs. BOXER. I ask unanimous consent for an additional 30 seconds, and then I will turn to Senator LAUTENBERG.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. So to sum up my part, the amendment that has been offered by Senators NELSON, HATCH, VITTER, BROWNBACK, et al., hurts women. It singles out one legal procedure, you say: You can't use your own private funds to buy insurance so that in case you need to use it for that legal procedure, you can. So I hope we will vote it down.

I yield the floor, Mr. President, and note that Senator LAUTENBERG is here for 5 minutes. Oh, I am sorry. May I say that the order was Senator MURRAY for 5 minutes to be followed by Senator LAUTENBERG for 5.

The PRESIDING OFFICER. The Senator from California, Mrs. BOXER. I thank the Senator from California for her debate, for outlining the serious concerns we have, and I rise today not only in strong opposition to the Nelson amendment but in strong support of women's health care choices, which this amendment would eliminate.

Mr. President, we can't allow a bill that has so much for women and for families and for our businesses and for the future strength of this Nation to get bogged down in ideological politics because in every single sense of the word, health insurance reform is about choices—giving options to those who don't have them, the opportunity for better care or better quality, and insurance that is within reach. This bill was never supposed to be about taking away choices, and we cannot allow it to become that.

Mr. President, this bill already does so much for millions of women across America. Already so far, the Senate has passed Senator MIKULSKI's amendment to be sure that all women have access to quality preventive health care services and check-ups, which are so critical to keeping women healthy, are available. This underlying bill will also help women by ending discrimination based on gender-rating or gender-biased preexisting conditions, giving women preventive care, infant care, and well-baby care, expanding access to coverage even if an employer doesn't cover it, and giving freedom to those who are forced to stay in abusive relationships because if they leave, their children could lose their coverage.

Mr. President, the amendment before us today would undermine those efforts and goes against the spirit and the goal of this underlying bill. All Americans should be allowed to choose a plan that allows for coverage of any legal health care service, no matter their income, and that, by the way, includes women. But if this amendment were to pass, it would be the first time that Federal law would restrict what individual private dollars can pay for in the private health insurance marketplace.

Let me repeat that: If this amendment were to pass, it would be the first time that Federal law would restrict what individual private dollars can pay for in the private health insurance marketplace.

Now, the opponents of this bill have taken to the floor day in and day out for months arguing that this bill takes away choice. This bill doesn't take away choice, Mr. President, but this amendment sure does. This amendment stipulates that any health plan receiving any funds under this legislation cannot cover abortion care, even if such coverage is paid for using the private premiums that health plans receive directly from individuals.

Simply put, the amendment says if a health plan wants to offer coverage to individuals who receive affordability credits—no matter how small—that coverage cannot include abortion.

In this way, the amendment doesn't only restrict Federal funds, it restricts
private funds. It doesn’t just affect those receiving some amount of affordability credits, it also impacts people who are paying the entire cost of coverage but who just happen to purchase the same health plan as those with affordability credits.

The bottom line: This amendment would be taking away options and choices for American women.

There is no question this amendment goes much further than current law, no matter what our colleagues on the other side contend. Current law restricts public funds from paying for abortion except in cases of rape or incest or where the woman’s life is in danger. The existing bill before us represents a genuine compromise. It prohibits Federal funding of abortion, other than the exceptions I just mentioned, but it also allows women to pay for coverage with their own private funds. It maintains current law; it doesn’t roll it back.

This amendment now before us would be an unprecedented restriction on women’s health choices and coverage. Health insurance reform should be a giant step forward for the health and economic stability of all Americans. This amendment would be a giant step backward for women’s health and women’s rights. Women already pay higher costs for health care. We should not be forced into limited choices as well.

We are standing on the floor today having a debate about a broken health care system. It is broken for women who are denied coverage or charged more for preexisting conditions such as pregnancy or C-sections or domestic violence. It is broken when insurance companies charge women of childbearing age more than men but don’t cover maternity care or only offer it for hefty additional premiums.

The status quo is not working. Women and their families need health insurance reform that gives them options and choices.

I urge my colleagues to stand up for real reform. Reject this shortsighted amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask unanimous consent to amend the previous order to give Senator LAUTENBERG 8 minutes, myself 2 minutes, and Senator Specter 3 minutes. The amendment is as follows:

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, throughout my service in the Senate, I have been a strong supporter for health care reform. But we can’t allow reform to be used as an excuse to roll back women’s rights that they have had for almost half a century. That is why I strongly oppose the amendment offered by my friend, the Senator from Nebraska. I think he is wrong.

What this amendment does is remove a woman’s right to make her own decision, as a practical matter. It is to prohibit any of the health plans on the exchange from covering abortion. It will ban coverage even for women who don’t get a dime in Federal subsidy.

Women’s reproductive rights are always being challenged here in Congress. What about women’s reproductive rights? Let’s turn the tables for a moment.

What if we were to vote on a Viagra amendment restricting coverage for male reproductive services? The same rules would apply for Viagra as being proposed for abortion. Of course, that means no health plan on the exchange would cover Viagra availability. How popular would that demand be around here? I understand that abortion and drugs such as Viagra present different issues, but there is a fundamental principle that is the same: restricting access to reproductive health services for one gender. This amendment is exclusively directed at a woman’s wish to stand by herself. It doesn’t dare to challenge men’s personal decisions.

I have the good fortune of being a father of six granddaughters and grandfather of six granddaughters. I am greatly concerned about what this amendment would set. I don’t want politicians making decisions for my daughters or my granddaughters when it comes to their health and well-being, but that is exactly what this amendment does.

Nothing made me happier than when any of my daughters announced a pregnancy. I watched them grow and prosper in their health and well-being, as they were carrying the child. I was fully prepared to support a decision she might make for the best health of that new baby and protecting her health to be able to offer her love and care for a new child, as I saw in my years.

I don’t want to think that somebody is going to make a decision in this room that affects what my granddaughters or my daughters have to think about. If they want to restrict themselves, let them do it. But how can we permit this to take place when we are trying to make people healthier and better informed? This amendment wants to take away that right.

Right now, the majority of private health insurance plans do offer abortion coverage. This amendment would force private health insurance companies to abandon those policies, eliminate services, and limit a woman’s options. This amendment does not, contrary to statements being made here on the floor, simply preserve the Hyde language that has been in place for more than three decades. Make no mistake, this amendment goes well beyond the Hyde amendment.

Abortion coverage would make it impossible for a woman who pays for her premiums out of her own pocket to purchase a private health plan that offers her the right to choose what is best for her, for her health, and her family’s well-being.

We have been working hard for a long time to eliminate discrimination against women in our current health care system. Right now, our health care bill takes a balanced approach to abortion coverage. It preserves existing Federal law. Women have fought since this Nation’s founding to have full rights under the law, including suffrage and excluding abortion. Unfortunately, this amendment would force them to take a step backward. I don’t want to see it happen.

I urge my colleagues, please, use your judgment, make your own choices about your own women’s rights. Let’s not bring the abortion issue into the bill. The Nelson-Hatch amendment would go beyond that. It would restrict a woman’s ability to use her own funds for coverage to pay for abortions. It blocks a woman from paying for abortion coverage through allowance of her own personal funds, and that is what the underlying bill makes sure we continue.

Many of us believe the health care debate is critically important. It is also controversial. Let’s not bring the abortion issue into the bill. The Nelson-Hatch amendment would go beyond that. It would restrict a woman’s ability to use her own funds for coverage to pay for abortions. It blocks a woman from using her personal funds to purchase insurance plans with abortion coverage. If enacted, for the first time in Federal law, this amendment would restrict what individual private dollars can pay for in the private insurance marketplace.

When you look at those who are supporting this amendment, you can’t help but have some concern that this amendment is being offered as a way to derail and defeat the health care reform bill. Most of the people who are the supporters of this amendment will vote in opposition to the bill. It is quite clear that the Senate health reform bill already includes language banning Federal funds for abortion services. So supporters of this bill are not satisfied with the current funding ban; they are trying to use this to move the equation further in an effort to defeat the bill. This is really wrong as it relates to women in America.

I am outraged at the suggestion that women who want an abortion should be able to purchase a separate rider to cover them. Why would we expect this overwhelmingly male Senate to expect women to shop for a supplemental plan
in anticipation of an unintended pregnancy or a pregnancy with health complications? Who plans for that? The whole point of health insurance is to protect against unexpected incidents.

Currently, there are five States—Idaho, Kentucky, Oklahoma, Missouri, and North Dakota—that only allow abortion coverage through riders. Guess what. The individual market does not accept this type of policy. It doesn’t exist.

Abortions severely undermine patient privacy, as a woman would be placed in a position of having to tell her employer or insurer and, in many cases, her husband’s employer that they anticipate terminating a pregnancy.

Also, requiring women to spend additional money to have comprehensive health care coverage is discriminatory. We don’t do that for services that affect men’s reproductive rights.

I hear frequently from my friends on the other side of the aisle that the statements we make; that is, those who support the underlying bill—that this allows individuals who currently have insurance to be able to maintain their insurance builds on what is good in our system. This amendment takes away rights people already have. So if you have insurance today as an individual that covers abortion services, if this amendment were adopted, you will not be able to get that, denying people the ability to maintain their own current insurance, if this amendment were adopted.

It is the wrong amendment. The policy is wrong. But clearly, on this bill it is wrong.

I urge my colleagues to accept the compromise reached on this bill. Many of us who would like to see us be more progressive in dealing with this issue and remove some of the discriminatory provisions in existing law understand we will have to wait for another day to do that. Let’s not confuse the issue of health care reform. Let’s defeat this amendment that would be discriminatory against women. That is wrong.

I urge my colleagues to reject the Nelson-Hatch amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator’s time has expired.

The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield up to 10 minutes to the Senator from Arizona.

Mr. KYL. Mr. President, America’s seniors have made clear they value the Medicare Advantage Program. They like their access to private plans, plan choices, lower cost sharing, and all the extra benefits not included in traditional Medicare, such as vision, dental, hearing, and the wellness programs that help them stay fit.

Before the Medicare Modernization Act of 2003, seniors had been described for their lack of choices. We made sure, under the Medicare Modernization Act, that seniors would be assured health care choices, just as all of us here in the Congress enjoy.

Now that they have access to private coverage and enjoy more benefits and choices, seniors want us to make sure Medicare Advantage stays viable, and that seniors would be assured health care choices, just as all of us here in the Congress enjoy.

I have received more than 500 phone calls since I from constituents who oppose the $122 billion Medicare Advantage cuts proposed by the majority’s bill. They know you cannot cut $122 billion from a program without cutting its benefits. A lot of seniors in Arizona are asking, What happened to the President’s repeated promise that if you like your insurance, you get to keep what you have? They do not like the idea that under this bill benefits would be slashed by 64 percent, from $135 of value per month to $49 of value per month, which is exactly what the Congressional Budget Office projects would happen. They do not want the money that流入 Medi-care going to fund a new government entitlement program for nonseniors.

They are not satisfied with the majority’s promise to protect “guaranteed” benefits. They want Members of Congress to be straight about our intentions and not engage in semantics. They want an unequivocal promise they will be able to keep exactly what they have now, just as the President promised.

Here is the problem. There is an earmark buried on page 894 of the legislation before us that suggests that senior citizens in Florida must have insisted on this exact kind of protection for their Medicare Advantage Program.

This provision, in section 3201(g), was specifically drafted at the request of the senior Senator from Florida to protect the benefits for at least 363,000 Medicare Advantage beneficiaries in Florida, but very few anywhere else. Nothing in the bill grants the same protection that is granted to these senior citizens to those in my State or in the other States in which there are a lot of seniors who have the Medicare Advantage Program.

That is why I support the motion of my colleague, Senator MCCAIN, to commit this bill to the committee and return it without these—actually, what his bill does is to ensure that all seniors have the freedom to choose, but very few anywhere else. Nothing in the bill grants the same protection that is granted to these senior citizens in Florida would have under the Nelson proposal.

The McCain motion to commit is straightforward. It would help the President keep his commitment that seniors get to keep their insurance if they like it. And it applies to all of America’s seniors the same protection granted to Floridians, as I said. Isn’t that what all seniors deserve, the security of knowing their current benefits are safe? If our Democratic colleagues are not willing to extend this protection to every Medicare Advantage beneficiary, then I cannot imagine how they can claim to be in favor of protecting Medicare.

I have been sharing letters that I have received from Arizona constituents describing what the Medicare Advantage Program means to them. I thought today I would share excerpts from a few more of these letters.

A constituent in Surprise, AZ—I hope the President likes the name of that town: Surprise, AZ—just west of Phoenix, says:

I truly hope you will consider keeping the Medicare Advantage plans for seniors. I find the savings a must on my fixed income.
I appreciate the [high quality] doctor care on my MedSup Advantage plan. Prescriptions are included in the cost of my plan, providing further savings for me. Medicare Advantage has made a significant difference in my life. Please don’t let anything happen to this important program.

A constituent from Fountain Hills, AZ, writes:

I suffer from a specific type of amyotrophic lateral sclerosis, and rely on Medicare Advantage for all of my medical needs. I am asking that you do all that is in your power to protect and provide for the continuation of funding of this program. In Arizona, we have over 329,000 people who count on Medicare Advantage. Our lives would be devastated without it.

A constituent from Wickenburg, AZ, says:

Please don’t let anything happen to my Medicare Advantage. I like my Medicare Advantage plan because I can choose my own doctor in my own town and also choose a specialist if I need one.

I can also get regular check-ups and don’t have trouble getting to see the doctor. So, ask them if you don’t let the government cut my Medicare Advantage.

A constituent from Mesa, AZ, says:

I am a senior citizen. I am becoming more and more concerned about President Obama’s policies, and I am writing to tell you that I am happy with my Medicare Advantage plan. I request that you do all you can to not cut my benefits.

I have a fairly wide choice of doctors and specialists, who have always treated me with respect, given me the time I feel I need, and have provided excellent care.

I have a fitness benefit, which entitles me to the Silver Sneakers program at our local YMCA; two choices of a dental plan; a vision plan; plus many other options to maintain my level of health or to try to improve it.

Please, beg you, do whatever you can to maintain our Medicare Advantage plan. Do NOT cut any of our benefits.

We know there are millions of seniors out there who absolutely depend on Medicare Advantage. Many have stories to tell about how this program has improved the quality of their life and their health. I urge my colleagues to support the McCain motion to commit to ensure that all of America’s seniors, not just those in certain preferred counties, primarily located in the State of Florida, are grandfathered in these benefits.

Again, to make it very clear, Medicare Advantage benefits are cut by the $120 billion reduction in Medicare under the bill. The Senator from Florida found a way to grandfather the Medicare Advantage benefits for many of his constituents. What the McCain motion to commit does is to apply that same grandfathering to all seniors in all States so that none of the seniors who have Medicare Advantage today would lose any of the benefits they enjoy today.

It seems to me what is good for our senior citizens in Florida ought to be good for our senior citizens in Arizona or any other State in which they reside. I urge my colleagues to consider and support the McCain motion to commit.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI, Mr. President, I yield up to 10 minutes to the Senator from Ohio, Mr. VOINOVICH.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I want to spend a minute discussing the very emotional and divisive issue of abortion. I personally believe that all children, born or unborn, are a precious gift from God, and we have a moral responsibility to protect them. It grieves me to think that there have been more than 40 million abortions performed in this country since 1973.

I am pleased to support the Nelson amendment that would apply the longstanding Hyde amendment, which currently prohibits Federal funding to pay for abortion services except in cases of rape, incest, or to save the life of the mother, to the health care reform bill.

Mr. VOINOVICH. The issue of abortion is one that results in very strong emotions on both sides of this issue. Because of the concerns that millions of Americans have with using Federal taxpayer dollars for abortion, Congress enacted the Hyde amendment. As we all know, the Hyde amendment has restricted Federal Medicaid dollars from paying for abortion services since 1977, and has been applied to all other federally funded health care programs, including the Federal Employees Health Benefits Program.

Think about that, this language has been in place since the Ford administration, and has survived through the administrations of Presidents Carter, Reagan, George H.W. Bush, Clinton, and George W. Bush. That is 33 years, and all of a sudden, my colleagues want to change our policy on Federal funding of abortion.

We shouldn’t be making this type of sweeping policy change in the health care legislation, and the Nelson amendment is a necessary addition to the bill in order to protect our current policy and the unborn.

I understand that not everyone in this country agrees with my position on abortion, but I am deeply concerned about the possible implications of spending taxpayer dollars on abortions when the issue so deeply divides Americans on ethical grounds.

While as I have said, I don’t agree with abortion and believe Roe v. Wade should be overturned, the Nelson amendment does not prohibit anyone from seeking an abortion, it does not overturn Roe v. Wade, and it does not place any new restrictions on access to abortions.

It simply ensures that the taxpayer dollars will not pay for services that cause such deep moral divisions in our country. I believe that this amendment is one of the few bipartisan amendments that the Senate will consider as part of this debate.

I am pleased that a similar amendment in the House of Representatives was passed with bipartisan support, and I urge my colleagues to support the Nelson-Hatch amendment before the Senate.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from Wyoming.

Mr. ENZI, Mr. President, I yield up to 10 minutes to the Senator from Idaho, Mr. CRAPO.

Mr. CRAPO. Mr. President, I rise today to discuss the Medicare Advantage Program again. It is one that is facing nearly $120 billion in cuts under the Democratic health care bill.

Currently, there are nearly 11 million seniors enrolled in Medicare Advantage, which is about one out of every four seniors in the United States. In my home State of Idaho, that is about 60,000 people or 27 percent of all Medicare beneficiaries in the State.

Medicare Advantage is an extremely popular program. In fact, it is probably the most popular and fastest growing part of Medicare. A 2007 study reported high overall satisfaction with the Medicare Advantage Program. Eighty-four percent of the respondents said they were happy with their coverage, and 75 percent would recommend Medicare Advantage to their friends or family members.

But despite the popularity of the program, the massive cuts in the Reid bill will result in most seniors losing benefits or coverage or both under Medicare Advantage.

I have a chart in the Chamber which I have shown before. You cannot see the individual States too well on it from this distance at this size, but you can see the coloring on the United States in this chart.

If you live in a State that is red, deep red, or the pinkish color—which is almost every State in the Union—then you are going to see your benefits cut under Medicare Advantage under this bill.

Why am I bringing it up again? We have already had a vote on it. In fact, we have had two votes on it. The majority has insisted on these cuts in the bill. The reason I am bringing it up again is because, as we have combed through this 2,074-page bill, we have found out there is a provision in the Reid bill that would protect Medicare Advantage benefits for some people in the United States, for just a few in this country.

During the Finance Committee markup, Senator BILL NELSON of Florida advocated on behalf of Medicare Advantage and the beneficiaries in his home State of Florida. Subsequently, during closed-door negotiations, the legislative language was added to protect those beneficiaries.

This is interesting because one of the reasons to us, as we have tried to stop the imposition of these cuts to Medicare, has been this bill will not cut any Medicare benefits. Well, if not, then why does Florida need a special exemption for its citizens? If not, why not support the McCaskill amendment that would give protection to all Medicare Advantage beneficiaries that the bill gives to primarily just a few in Florida?
Specifically, section 3201(g) of the Reid bill, very deep in the bill on page 894, has a $5 billion provision drafted to prevent the drastic cuts in the Medicare Advantage Program from impacting those enrollees who reside primarily in three counties—Broward, Miami-Dade, and Palm Beach. It seems unfair that taxpayers would foot a $5 billion provision that provides protection for only some of the Medicare Advantage beneficiaries. It could be equally reasonable that Medicare Advantage beneficiaries in this bill; again, benefits that one out of four beneficiaries in America receives—one of the fastest, if not the fastest, growing parts of Medicare. Instead of preferential treatment for some, why not extend these same protections for Medicare Advantage to all beneficiaries under Medicare? I know the 60,000 Medicare beneficiaries on Medicare Advantage in Idaho, my home State, want and deserve that same level of protection.

That is why I am here to support the McCain motion to commit, and that is what his motion to commit would accomplish, very plain and very simple. The McCain motion would extend this guaranteed enrollment provision for beneficiaries in the Medicare Advantage Program so all seniors in this popular and successful program could maintain that same level of benefits that today they enjoy under the current law. The Medicare Advantage Program deserves to keep these critical extra benefits, which include things such as dental protection, vision coverage, preventive and wellness services, flu shots, and much more.

In fact, most people who are not on Medicare Advantage in the Medicare Program have to buy supplemental insurance to get access to this coverage. Those in Medicare Advantage, which is one of the most successful programs, have the opportunity to get it through their Medicaid services. Why is Medicare Advantage so opposed? Well, some say it is because of the extra costs, except that the extra costs in Medicare Advantage are returned to the government or shared with the beneficiaries. I think the reason might be because Medicare Advantage is one part of the Medicare Program that we have successfully been able to put in the private market for operation. Interestingly, when the private sector gets involved in administering this part of the Medicare Program, the Medicare beneficiaries get more benefits, and it becomes the most popular program in Medicare.

I know very well in my home State, Senator Casey, has filed an amendment to protect the 864,000 Medicare Advantage beneficiaries in his home State, and I would expect strong bipartisan support for the McCain motion to commit, since I think every Senator representing their constituents in their State wants to see this kind of protection. At the end, the McCain motion to commit is simply an amendment that will protect nearly 11 million seniors today enrolled in the Medicare Advantage Program and help to keep the President’s promise when he said if you like what you have, you can keep it. If this bill is not amended in the way it is being proposed to be amended by Senator McCain’s amendment, 11 million Americans are not going to be able to keep what they have in the Medicare Program, and that is just a start on the impact of what people are going to see under this legislation in terms of a reduction of their benefits and the quality of services they have access to. I urge my colleagues to support this amendment, and I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. I yield myself the balance of the time.

AMENDMENT NO. 2362 TO AMENDMENT NO. 2360

Mr. President, I rise to speak in support of the amendment. We have been talking about the McCain amendment, which provides fairness for seniors who have Medicare Advantage so everybody across the country can have the same thing Florida is getting. But to all of Wyoming, I wish to talk about is the Nelson amendment.

This amendment needs to be adopted if we truly want to prevent Federal dollars from being used to pay for abortions. I ask my colleagues to support a Democratic amendment. This isn’t a partisan issue; it is a human issue. Even if you are on the other side, I hope you can agree it is not right to force people to pay for a procedure they may find offensive to the core of their morality. This issue is very personal for many of us. It is for me.

When my wife Diana gave birth to our first child, Amy was 3 months premature. She weighed just 2 pounds and 6 ounces. She was: Wait until morning and see if she lives. The doctors couldn’t do anything to help this newborn baby. She survived the night.

The next day I took Amy to a hospital in Casper. An ambulance wasn’t available so we went in a Thunderbird. It was in a huge blizzard, the same blizzard that prevented us to fly Amy to a hospital in Denver that specialized in that. But we took this car and went to the center of the State to the biggest hospital we could find. We ran out of oxygen on the way because the snow slowed us. The highway patrol was looking for us, and they were looking for an ambulance. All along the way, we were watching every breath the child was taking. It was not looking good. We had to help her to breathe again or: Have you had your baby baptized? We did have Amy baptized a few minutes after birth, as she worked and struggled to live. Watching an infant fight with every fiber of her being, unquestionably showing the desire to live, even though they are only 6 months developed, is something that will show you the value of life. Amy survived and is now a teacher so gifted she teaches other teachers.

Amy’s birth changed my whole outlook on life. It reminded me of the miracle of life and the significance of that miracle. The Reid bill, as it is currently, does not respect life. But the amendment before us will allow that respect to be given to every American who benefits from that bill.

On September 9, Senate Majority Leader Obama told a joint session of Congress: “No Federal dollars will be used to fund abortions.” I agree. No Federal dollars should ever be used to pay for abortions. To do otherwise would compel millions of taxpayers to pay for abortion procedures they oppose on moral or ethical grounds. Unfortunately, the Reid bill fails to meet that standard set by the President. Section 1303 of the bill provides the authority to mandate and fund abortions.

Some have questioned exactly how this bill funds abortions. It is quite simple. The bill funds abortions through the government-run insurance options and through subsidies to individuals to help pay for the cost of private insurance. Both of these options are funded with Federal dollars. Under the community health insurance option, also known as the government-run plan, the Secretary of Health and Human Services could allow the plan to cover abortions. In addition, the new tax subsidies in the bill could also go to private plans that cover abortions. In both these cases, Federal subsidies would be paid to plans that cover abortion.

The Reid bill attempts to use budget gimmicks so its sponsors can argue that Federal funds will not pay for abortions. As the accountant in the Senate, I am not fooled by these gimmicks and neither should anyone else be. If the Reid bill is passed, Federal dollars will be used to pay for abortions.

Money is fungible. That is an interesting word. It means Federal dollars paid into a health plan could be shifted across accounts. We don’t have a good accounting system for that. It can replace other spending and those dollars could then go to other payments. There is no way to absolutely prevent Federal dollars from paying for abortions once they are paid to plans that cover abortions.

That is why Federal laws for the last 30 years have explicitly prohibited Federal funding going to such plans. That is right. It is already Federal law, although it comes in, in the appropriations bill, on an annual basis. Federal law currently prohibits funds going to payments under the Medicaid Program, under FEHB—that is the program where we get our health insurance; it is the one that provides all the health benefits to all those enrolled in Medicare. But the Reid bill as it currently stands allows Federal dollars to go to plans that cover abortions. No Federal dollars should be used to pay for abortions. It is for this reason I am supporting the Nelson amendment.
Some have also said this amendment would ban abortion procedures. That, too, is false. The amendment does not ban abortions; it simply prohibits Federal dollars from paying for abortions, which is consistent with the current law.

Many of my Democratic colleagues have argued during the debate that the health care we provide under this bill should be as good as the coverage given to Senators. If they believe that, they should all support applying the same regulations that apply to our own health plans. Federal employees’ plans are prohibited from covering abortion—all Federal employees, not just Senators.

I will work hard to see that tax-payers are not compelled to fund abortion services. I believe those of us in elected office have a duty to work to safeguard the sanctity of human life, since the right to life was specifically named in the Declaration of Independence as a gift from God to every person. Our government fulfills the most fundamental duty to the American people. When that right is violated, we violate our sacred trust with our Nation’s citizens and the legacy we leave to future generations.

Regardless of what some people think, God doesn’t make junk. He makes people in a variety of sizes, shapes, and abilities, and disabilities. There is a purpose even if we cannot understand it. I like the sign outside of Gillette. It says: “If it’s not a baby, you’re not pregnant.”

I don’t believe Federal funding should be used to pay for abortions, and I will work to ensure that it doesn’t happen under this bill. I will vote in support of the Nelson amendment and encourage my colleagues to do the same to protect life and respect the miracle of life that I witnessed with the birth of my daughter Amy. I thank God that the miracle has continued to yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I ask unanimous consent for the following order: Boxer, 1 minute; Durbin, 5 minutes; Stabenow, 5 minutes; Shaheen, 5 minutes; Dodd, 5 minutes; Menendez, 5 minutes; and Baucus, 4 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. BECKER. Mr. President, I gave birth to two beautiful children, and I am proud to say that I have now four grandchildren—the light of my life. I am just here to say as a mother, as a grandmother, and as a Senator from California to trust the women of this country. I don’t want to tell the women of this country—or tell anybody else anything like this—that they can’t buy insurance with their own private money to cover their whole range of legal reproductive health care. We don’t say they can’t get any surgery if they might need it for their reproductive health care. We don’t tell them they can’t get certain drugs, under a pharmaceutical benefit, they may need for their reproductive health care. Imagine if the men in this Chamber had to fill out a form and get a rider for Viagra or Cialis and it was public. Forget about it. There would be a rage in this Chamber.

We are just saying treat women fairly. Treat women the same way you treat men. Let them have access to the full range of legal reproductive health care. That is all we are saying. Vote no on Nelson. Look at the amendment, because HARRY REID takes care of the firewall between private funds and Federal funds. We keep that firewall.

Is it OK if Senator Durbin goes after Senator STABENOW?

Mr. DURBIN. Yes.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, first, I thank the Senator from California for her passionate advocacy and standing up for all of us, the women of this country. She is a mom, as she said. I, too, am a mom. As hard as it is for me to believe, I am also a grandmother with wonderful 2-year-old Lily and a little grandson Walter, who was born on his daddy’s—my son’s—birthday in August. Obviously, they are the light of my life, as well.

One of the reasons I feel so passionate about this is that health care reform is that this is about extending coverage to babies so they can be born healthy, and about prenatal care; it is about making sure that the new insurance exchange we have basic coverage for maternity care. I was shocked to learn that 60 percent of the insurance policies offered right now in the individual market don’t offer maternity care as basic care. We happen to think that is incredibly important. We are 28th in the world in the number of babies—below Third World countries—that survive the first year of life. This health care reform bill is about making sure we have healthy babies, healthy moms, and it is about saving lives and moving forward in a way that is positive, expanding coverage, not taking away important coverage for women who, frankly, find themselves in a crisis situation.

That is what we are doing, unfortunately, through the Nelson-Hatch amendment. I have heard from both of my colleagues who have offered this amendment, and for others who feel deeply about this issue. In the bill that has come before us, I think we respect all sides and keep in place the longstanding ban on Federal funding for abortion services, and someone is objecting to that. No one is trying to change that.

As my friends have said, this is about whether we cross that line into private insurance coverage. This is what we say to our own family: You are going to have to decide whether, when you have a child and you are having a crisis in the third trimester and might need

health insurance for all Federal employees, the same choices of plans—and the TRICARE Program, which is for all our Active military and their families. Current law recognizes the only way to actually prevent Federal funds from being used for abortion is to offer the coverage of abortion in separate insurance plans and collect separate premiums to pay for that plan. This is what States who want to cover abortion for their Medicaid populations already do. As I said earlier, Medicaid is prohibited from using Federal dollars to pay for abortions. As a result, States set up separate plans and collect non-Federal dollars in separate accounts to pay for those services.

If anyone has any doubts about the impact of the Reid bill, I would point them to the comments made by the senior staff at the U.S. Conference of Catholic Bishops. The associate director, Richard Doerflinger, recently described the Reid bill as “completely unacceptable.” Similarly, National Right to Life said the Reid bill “seeks to cover elective abortions in two new Federal health programs, but tries to conceal that unpopular reality with layers of contrived definitions and hollow bookkeeping requirements.”

There has also been some misinformation out there regarding this amendment, and I wish to take a minute to clear up a couple arguments used against the Nelson amendment. First, it does not prohibit individuals from purchasing abortion coverage with their own private dollars. When similar arguments were made during the House debate on the Stupak language, PolitiFact, a Pulitzer Prize-winning fact-checking organization, concluded that such statements were false. The Nelson amendment only prohibits Federal funds from sub sidizing those plans.

Some have argued the Nelson amendment could cause individuals to lose the abortion coverage they currently receive from their current health insurance plans. That also isn’t accurate. I would urge everyone to read section 1251 of the bill. Section 1251 says, clearly and unequivocally, that:

Nothing in this act or an amendment made to this act shall be construed to require that an individual terminate coverage under a group health plan or health insurance coverage—which makes no change to existing insurance plans that cover abortion and should allow individuals to keep the plans they have.
some kind of crisis abortion services—whether you are going to find yourself in a situation where you are going to need abortion services, and you are going to have to publicly indicate that and buy a rider on insurance because you can’t use your own money to buy an insurance.

Here is what we know now. We know five States have riders right now—Iowa, Kentucky, Oklahoma, Missouri, and North Dakota. There is no evidence there are any riders available in the individual market. So even though, technically, they say you can buy additional coverage, it is not offered or available. We are told by the insurance carriers that, in fact, it probably will not be available.

We all know what this is about. This is about effectively banning abortion services coverage in the new insurance exchange we are setting up, which could, in fact, have a broader implication of eliminating the coverage for health exchanges. These bills are more than that is what this is about, which is why it is so important.

Again, we are agreeing on the elimination or banning of Federal funding for abortions, other than extreme crises or emergencies. We have done this before in Federal law. This is about whether we go on to essentially create a situation where effectively people cannot get that coverage with their own money.

The Center for American Progress noted that because approximately 86 percent of the people who are going to be offered new opportunities for insurance—small businesses, individuals, in the private market—that because 86 percent of them will, in fact, receive some kind of tax credit or tax cut, in fact, again, we are talking about eliminating this option altogether because the majority of people will get some kind of a tax cut during this process.

I think we are also seeing more widespread implications around the tax policy. If we are saying that someone cannot purchase an insurance policy of their liking if they are getting a tax credit to help with health insurance, the fact is, what about other tax credits? What about other kinds of ways in which people get tax credits or tax cuts today? The implications of this are extremely broad.

I urge a “no” vote. Let’s keep Federal policy intact. They don’t allow Federally financing for abortion but respects the women of this country.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I commend my colleague from Illinois, the Democratic whip of the Senate, for his arguments. He speaks for me when he identifies the pillars of our views on this issue.

I was elected to the House of Representatives in 1974, 2 years after Roe v. Wade, and I have been in Congress now for 35 years. We have lived with those guidelines since then. I know it has not resolved the matter for many people. But it has served us well.

What we have in this bill is a reflection of a continuation of those pillars. Having been the acting chair of the Health, Education, Labor, and Pension Committees during the markup of the bill—in fact, Senator Kennedy voted by proxy, as they call it in that process—we insisted upon the adoption of a Kennedy amendment that maintained the notion of conscience in these matters. So we would not be forcing religious institutions to engage in abortion practices if they felt otherwise.

We have long held the view in this Congress, under Democratic and Republican leadership, despite the different others have different views on this matter, that Federal public money should not be used. Despite the arguments to the contrary, we have done that again with this bill. The Senator from Illinois made a point about the measures in the bill that reflect on the fact that there will be fewer abortions in America with these health care services.

Senator MIKULSKI, in the first amendment we adopted, provided for more preventive services for women across the board. Those I believe, would result in more counseling, more contraception, and fewer unintended pregnancies. That is a reality. Every Federal dollar that we spend on family planning saves $3 in Medicaid costs. So we established a special matching rate of 90 percent for family planning services in Medicaid. Across the board, we know this money, well spent to allow women to decide their own reproductive fate, means there are fewer unintended pregnancies.

I agree that whether your position is for or against abortion, if you believe there should be fewer abortions, you want this health care reform bill to pass—with or without the Stupak amendment. I think that the Stupak amendment goes too far, and I think we have come up with a reasonable alternative that adheres to the three pillars I mentioned earlier on abortion policy in America, and it sets up reasonable accounting for insurance policies. I think this language in the bill is the right way to move to lessen the number of abortions in America and stay consistent with the basic principles that guide us.

I yield the floor.
I appreciate the fact that our leadership has made this matter, the Nelson-Hatch amendment, a matter of conscience. There is no caucus position on this amendment. There never has been and nor should there be, in my view, given the nature of this debate.

I want to mention another argument we fail to understand here, in addition to the eloquent ones made by the Senator from Illinois. We rank 29th in infant mortality in the United States. It is an embarrassing statistic when you consider the wealth of our Nation. I worked on legislation with our colleague, LAMAR ALEXANDER, on infant births, prescreening, trying to provide resources and help for families with infants who suffer these debilitating and fatal problems.

This legislation takes a major step forward in taking the United States out of the basement when it comes to infant mortality and gets us back to where we ought to be in reducing the tragedy that occurs in infant mortality.

There is a distinction, clearly, between abortion and infant mortality. But this legislation takes a major step in improving quality of life, assisting children who arrive prematurely, as many do in our country today, and many do not survive that prematurity. Today many women are not getting the kind of support they need during their pregnancy, thus increasing the likelihood of premature births occurring, or not getting the screenings that need to occur immediately so you can avoid the terrible problems that can ensue thereafter. This legislation takes a major step in that direction.

While we have done what is necessary for us to do, that is, protect the long-standing distinction between public and private dollars when it comes to abortion, we also have gone so much further. This bill provides support for families in terms of their insurance policies to minimize the likelihood a child will be lost because they are not getting support services, as well as providing the reproductive services that will assist women during their pregnancies.

My colleagues know I am a late bloomer. I am a parent of a 4-year-old and an 8-year-old. My colleagues talk about being grandparents. I always said I was the only candidate in the country who used to get mail from AARP and diaper services at the same time, having qualified for Medicare and also being a parent of infant children, two little girls, Grace and Christina. I want them to grow up having all the rights of young women in this country. I am hopeful that one day I may even be around to be a grandparent. We fought very hard to make sure those children were going to get the protections they could during my wife’s pregnancies, to see to it they would be born healthy and sound. I have a great deal of respect for a Federal employee, to make sure that will happen. I want every American to have that same sense of security when that blessing occurs with the arrival of a child or grandchild. This bill does that.

For all of those reasons, this amendment ought to be defeated. This bill ought to be supported and achieve a great success for our fellow citizens.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mrs. SHAHEEN. Mr. President, I rise today to speak in opposition to the Nelson-Hatch amendment.

The Patient Protection and Affordable Care Act we have before us does so many good things. It gives women access to pregnancy care that makes health care more accessible to families across the country. It changes the way patients receive the care they need. We must not let the issue of reproductive choice overshadow all of the things this bill achieves.

For over three decades, the Hyde amendment, which prohibits the use of Federal funds to pay for abortions except in cases of rape, incest, or if the life of the mother is at risk, has been the law of this country. It should play no role in this health care debate. The Finance and HELP Committees spent countless hours drafting legislation that is part of the language in our health care bill to make sure it remains neutral on the issue of choice.

The Patient Protection and Affordable Care Act that is currently before us maintains the Hyde amendment prohibiting Federal funding of abortions. As a result, neither the pro-choice nor the pro-life agendas are advanced.

This is clearly explained in an analysis done by the nonpartisan Congressional Research Service. I ask unanimous consent to have printed in the Record this analysis.

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

MEMORANDUM

To: Hon. Jeanne Shaheen.

From: Jon O. Shimabukuro, Legislative Attorney, American Law Division, Congressional Research Service.

Subject: Abortion and the Patient Protection and Affordable Care Act.

This memorandum responds to your request concerning abortion and the Patient Protection and Affordable Care Act. The memorandum is divided into three parts.

**Part A: Legal Protections.**

Abortion is a protected right, representing a woman’s choice to decide whether to continue a pregnancy. The law, including the Constitution, protects abortion as a medical decision that is reasonable and a decision that is personal to the woman’s health and well-being.

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**Part B: Coverage for Abortions.**

The Patient Protection and Affordable Care Act that is currently before us maintains the Hyde amendment prohibiting Federal funding of abortions. As a result, neither the pro-choice nor the pro-life agendas are advanced.

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**Part C: Additional Considerations.**

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and facilities that are unwilling to provide, pay for, provide coverage of, or refer for abortions?"

Under the Senate measure, individual health care providers and health care facilities could not be discriminated against because of a willingness or unwillingness to provide, pay for, provide coverage of, or refer for abortions, if their decisions are based on their religious or moral beliefs. Section 1309(a)(3) of the Senate measure states: "No individual health care provider or health care facility may be discriminated against because of a willingness or an unwillingness, if doing so is contrary to the religious or moral beliefs of the provider or facility, to provide, pay for, provide coverage of, or refer for abortions."

4. "Does the Senate's Patient Protection and Affordable Care Act ensure that there is a health plan available in every exchange that does not cover abortion beyond those permitted by the most recent appropriation for the Department of Health and Human Services?"

The Senate measure would require the Secretary of HHS to ensure that in any health insurance exchange (''Exchange''), at least one qualified health plan does not provide coverage for abortions for which the expenditure of federal funds appropriated for HHS is not permitted. If a state has one Exchange that covers more than one insurance market, the Secretary would be required to provide the aforementioned assurance with respect to exchanges that do not cover abortion.

Mrs. SHAHEEN. Mr. President, the health reform legislation before us preserves the Hyde language and maintains the status quo in this country. We should keep it so. This should be a debate over health care. It should be about patients and about ensuring they have access to quality care at all stages of their lives, regardless of what may happen in their lives. It is a mistake to make this debate one about abortion.

The amendment that is before us, the Nelson-Hatch amendment, would restrict any health plan operating in the exchange that accepts affordability credits from offering abortion services. In essence, the amendment before us would ban on abortion coverage in the health insurance exchange regardless of where the money comes from. Put another way, a woman who pays for insurance with money out of her own pocket would most likely not be able to get insurance that covers abortion.

Make no mistake about it, this amendment is much more than a debate on whether Federal funds should be used for abortion, which is already established under Hyde. It is at the heart of the law that is maintained in the Patient Protection and Affordable Care Act before us.

The Nelson-Hatch amendment is a very far-reaching intrusion into the lives of women in how we will get private insurance. It is unprecedented, and it would mean millions of women would lose coverage they currently have.

It is true, as we have heard from those people who support this amendment, that a woman would be able to buy an abortion rider. What we heard from Senator STABENOW and what we have seen from the National Women's Law Center shows us that in the five States that do require such a rider, there is no evidence that such plans exist. And even if they did exist, who would purchase that kind of a rider? No woman expects to need an abortion. And this is no way to go into planning ahead of time.

Finally, this amendment would have effects that reach well into the private insurance market. An independent analysis by the School of Public Health and Health Systems at Washington University concluded that a similar amendment adopted in the House—what is commonly known as the Stupak amendment—will have an "industry-wide effect," eliminating coverage of medically indicated abortions over time for all women." That means any type of abortion for which there is a medical indication of need would go uncovered.

I ask unanimous consent that "Introduction and Results in Brief" of the George Washington University analysis be printed in the Record.

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

AN ANALYSIS OF THE IMPLICATIONS OF THE STUPAK/PITTS AMENDMENT FOR COVERAGE OF MEDICALLY INDICATED ABORTIONS

(BY SARAH ROSENBAUM, LARA CARTWRIGHT-SMITH, ROSS MARGULIES, SUSAN WOOD, D. RICHARD MASON)

INTRODUCTION AND RESULTS IN BRIEF

This analysis examines the implications for coverage of medically indicated abortions under the Stupak/Pitts Amendment (Stupak/Pitts) to H.R. 3982, the Affordable Health Care for America Act. In this analysis we focus on the Amendment's implications for the health benefit services industry as a whole. We also consider the Amendment's implications for the growth of a market for public or private supplemental coverage of medically indicated abortions. Finally, we consider the implications of the Amendment for women, providers, and plans. The Amendment would require health plan administrators to determine whether a claim is for abortion—

—because of a willingness or an unwillingness, if doing so is contrary to the religious or moral beliefs of the provider or facility, to provide, pay for, provide coverage of, or refer for abortions."

Finally, because supplemental coverage must of necessity commingle funds with basic coverage, the impact of Stupak/Pitts on states' ability to offer supplemental Medicaid coverage to women insured through a subsidized exchange plan is in doubt.

Spillover effects as a result of administration of Stupak/Pitts. The imposition of any coverage exclusion raises a risk that, in applying the exclusion, a plan administrator that is not Stupak/Pitts-coverage will have to make enforcement decisions about coverage for medically indicated abortion. As we indicated, the Stupak amendment—will have an "industry-wide effect," eliminating coverage of medically indicated abortions over time for all women." That means any type of abortion for which there is a medical indication of need would go uncovered.

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The remainder of this analysis examines these issues in greater detail.

OVERVIEW OF CURRENT FEDERAL LAW

1. The Hyde Amendment and Medicaid

The Hyde Amendment has been part of every HHS-related appropriation since FY 1977. As set forth in the most recent annual Labor/HHS federal appropriations legislation, the Hyde Amendment provides in pertinent part as follows:

Sec. 507. (a) None of the funds appropriated to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(b) None of the funds appropriated under this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

2. The limited scope of the Hyde Amendment

(a) The limited scope of the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, if not certified by a physician, place the woman in danger of death unless an abortion is performed.

Mrs. SHAHEEN. When we pass this legislation that will reform our health care system, it should not be done in a way that would lose benefits for
women. All women should have access to comprehensive health care, including reproductive health care, from the provider of their choice.

I urge my colleagues to oppose any amendment that threatens reproductive health care that women have counted on for over 30 years.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, health care legislation we are considering is good for America, it is good for women and for families. It is a health care reform bill; it is not an abortion bill. In fact, not a dime of taxpayers’ money goes to subsidize abortion coverage in this bill. It is, in fact, abortion neutral.

This amendment, however, would change that. It would roll back the clock on a woman’s right to choose. It unfairly singles women out and takes away access they already have. It singles out our daughters and legislates limits on their reproductive health, their reproductive rights. If we were to do the same to men, if we were to single out men’s reproductive health in this legislation, I imagine they would say: Imagine if men were denied access to certain procedures. Imagine if they were denied access to certain prescription drugs. Imagine if the majority had to suffer the decision of the minority. But that is exactly what we are being asked to do to our daughters with this amendment—rolling back the hands of time. I personally find that offensive, as do women across this country.

The language of this bill has been carefully negotiated to ensure that we are preserving a woman’s right to choose but doing so without Federal funding. To claim otherwise is hypocritical and misleading.

We have fought all battles that have nothing to do with the real issue at hand—that millions of Americans do not have health insurance and many are being forced into debt to buy coverage that insurers later deny. But now, we are not only engaging long-settled debates over this issue, we are actually faced with a proposal that would turn back the clock and deny women access to reproductive health care. It is the wrong debate at the wrong time.

Over the years, we have made extraordinary progress in addressing women’s reproductive rights. We have debated this issue in the Senate. We have held our churches in our homes, in our communities, and in the U.S. Supreme Court that has said a woman’s right to choose is the law of the land. Let’s not turn back the clock.

I respect the deeply held views of my friend from Nebraska and the deeply held views of my friend from Utah. I know we will debate the issue many times in many forums. They will raise their voices in protest of a woman’s right to that end as I will raise mine in protest. But this is not the time nor the legislative vehicle for hot-button politics to get in the way of badly needed health care reform.

The language in this bill is clear: It preserves a woman’s reproductive rights without any taxpayer funding. Yet we are engaged in a debate in which we are basically being told that neutrality is not good enough; that there needs to be a backdoor determination that this is not a health care reform bill; that neutrality on the issue is not acceptable; that only effectively banning abortion is acceptable. We are not going to be dragged down that road, and the women of this country will not stand for it. Certainly, this Senator will not either.

The sponsors claim the amendment simply reinforces existing law restricting Federal funding of abortion coverage. Let’s be very clear: There is no taxpayer money going to a woman’s reproductive choices—none—and to say otherwise is simply wrong.

The fact is, this amendment that clutters campus backyards, the time was left our daughters with the same hopeless lack of options their grandmothers faced, and that is not where we ought to be.

This amendment would make it virtually impossible for insurance plans in the exchange to offer abortion coverage even if a woman were to pay premiums entirely out of her own pocket. It would do so by forbidding any plan that includes abortion coverage from accepting even one subsidized customer.

This amendment is nothing more than a backdoor effort to restrict women rights women already have. Would I like it? I clearly stated in this legislation that a woman should have a right to choose and all aspects of her reproductive health should be available under every plan? Yes, I would. But am I willing to accept neutrality as a reasonable compromise? I think that is the prevailing view across the divide of this issue. No. 2, we also have to do more to help those women who are pregnant, and I don’t believe we are doing enough. We will talk more about that later. Even as we debate this amendment, the third thing I think we can agree on is, no matter what happens on this vote—and this debate will continue, even in the context of this bill—I believe we have to pass health care legislation this year.

There are all kinds of consumer protections in this bill that will help men and women—prevention services that have never been part of our health care system before, insurance reforms to protect families and, finally, the kind of security we are going to get by passing health care legislation this year.

I urge my colleagues to oppose any amendment for two reasons. One, I wish to make sure we ensure, through this health care legislation, the consensus we have had as part of our public policy for many years now—that taxpayer dollars don’t pay for abortions. I believe we can and should and will get this right by the end of this debate.

The second reason I support this is, I believe it is important to respect the conscience of taxpayers, both women and men across the country, who don’t want taxpayer dollars going to support abortions. If there is one or maybe two areas where both sides can agree—people who are pro-life and pro-choice—it is on these basic principles: No. 1, we don’t want to take actions to increase the number of abortions in America. I think that is the prevailing view across the divide of this issue. No. 2, we also have to do more to help those women who are pregnant, and I don’t believe we are doing enough. We will talk more about that later. Even as we debate this amendment, the third thing I think we can agree on is, no matter what happens on this vote—and this debate will continue, even in the context of this bill—I believe we have to pass health care legislation this year.

There are all kinds of consumer protections in this bill that will help men and women—prevention services that have never been part of our health care system before, insurance reforms to protect families and, finally, the kind of security we are going to get by passing health care legislation this year.

I urge the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, before we turn this over to the Republican side, I ask unanimous consent to have printed in the Record letter from religious leaders who support maintaining the underlying bill and who oppose this amendment, and they are: Catholics for Choice, Disciples Justice Action Center, The Episcopal Church, Jewish Women International, Presbyterian Church Washington Office, Religious Coalition for Reproductive Choice, Union of Reform Judaism, United Church of Christ, Justice and Witness Ministries, United Methodist General Board of Church and Society, Unitarian Universalist Association of Congregations.

We are proud to have their support for our position.
There being no objection, the material was ordered to be printed in the Record, as follows:

**Religious Leaders Support Maintaining the Status Quo on Abortion in Health Care Reform.**

The designated religious and religiously affiliated organizations urge the Senate to support comprehensive, quality health care reform that maintains the current Senate language on abortion services.

We believe that it is our social and moral obligation to ensure access to high quality comprehensive health care services at every stage in an individual's life. How can we build a health care system in a way that guarantees affordable and accessible care for all is not simply a good idea—it is necessary for the well-being of all in our nation.

The passage of meaningful health reform legislation will make significant strides toward accomplishing the important goal of access to health care for all. Unfortunately, the House-passed version of health reform includes language that imposes significant new restrictions on access to abortion services. This provision is a result in women losing health coverage that they currently have, an unfortunate contradiction to the basic guiding principle of health care reform. Providing affordable health care to all Americans is a moral imperative that unites Americans of many faith traditions. The selective withdrawal of critical health coverage from women runs counter to this imperative and a betrayal of the public good.

The use of this legislation to advance new restrictions on abortion services that surpass those in current law will serve only to derail this important bill. The Senate bill is already abortion neutral, an appropriate contradiction to the basic guiding principle of health care reform. Providing affordable health care to all Americans is a moral imperative that unites Americans of many faith traditions. The selective withdrawal of critical health coverage from women runs counter to this imperative and a betrayal of the public good.

We urge the Senate to support meaningful health reform that maintains the compromise language on abortion services currently in the bill.

Respectfully,


Mrs. BOXER. I thank the Chair.

Mr. ENZI. Mr. President, I assume that added a few additional minutes to our time well.

I yield 10 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. JOHANNS. Mr. President, let me start by saying that today, if I could, by offering my words of support and commendation to Senators NELSON and HATCH for offering this amendment.

They have long been champions of the pro-life cause, and I applaud them for putting the time and effort into this amendment to get it right, bringing it to the floor, and offering it. I am very proud to stand here today as a cosponsor of this amendment.

Fundamentally this legislation is simply about doing the right thing. It ensures that current Federal law is upheld. In its most basic form, it says taxpayer dollars are not going to be used, directly, to finance elective abortions. In fact, this has been the law of our country now dating back three decades.

Basically, this amendment applies the Hyde amendment to the health care reform bill. It bars Federal funding for abortion, except in the case of rape, incest, or to protect the life of the mother. The Hyde amendment—as we have heard so many times during this debate—finds its genesis in 1976. The language in the Nelson-Hatch amendment is virtually identical to the Stupak language that was included in the House bill, where 240 Representatives in the House supported it and it passed on a vote of 240 to 194.

The Stupak language very clearly prohibits Federal funding of abortions. It says this: No. 1, the government-run plan cannot cover abortions. That seems very straightforward. No. 2, Americans who receive a subsidy cannot use it to buy health insurance that covers abortion. No. 3, the Federal Government cannot mandate abortion coverage by private providers or plans. Then, finally, No. 4, as has been the case for 30 years, private insurance plans may cover abortion, and individuals may purchase a plan that covers it, but taxpayer dollars cannot be in the mix to purchase that.

Compare that to what is in the current Senate. The government-run plan can cover abortion. Americans who receive a subsidy can use it to buy a health insurance plan that covers abortion. The Federal Government can and does mandate abortion coverage by some one provider or plan. There is a stipulation in the current bill that requires the Health and Human Services Secretary to assure the segregation of funds, the tax credit/Federal dollars can't be used.

But the reality is, it is akin to saying: Here, put those Federal dollars in your left pocket. When you are purchasing the abortion coverage, make sure it is your right hand that is reaching into your right pocket. How do you segregate those funds? It is impossible. What it does is to simply erase the line between taxpayer dollars and funding of abortions.

Quoting the National Right to Life:

Senator Reid included in his substitute bill language that some have claimed would preserve the principles of the Hyde Amendment. Such claims are highly misleading. In reality, the Reid language explicitly authorizes direct Federal funding for an abortion program by a Federal Government program.

Well, I feel very strongly we must ensure that Federal dollars are not used to fund abortions directly or indirectly. Health care reform, under the Reid language, has become a vehicle for changing the current law of the land regarding abortion coverage. Here is what some of my constituents have said to me, and I am quoting from a gentleman in Kearney, Nebraska:

It is time to make sure that abortion is explicitly prohibited by any language that may be put forward.

Another Nebraskan said to me:

I know that the pro-life issue is not the only component of the Senate bill to consider, but it is probably the most important issue of concern that I have in this bill. Abortion is not health care.

From central Nebraska I heard this:

I'm taking a minute to send a note to say "thank you" for standing up for life. Life is precious, whether you are just conceived or over 100 years of age.

Pro-life groups across the board support this amendment—the National Right to Life, Catholic Bishops, Family Research Council, and others. They represent millions of Americans. But the reality is, Americans support this.

In a recent CNN survey, we confirm that 6 in 10 Americans favor a ban on the use of Federal funds for abortion. A recent Washington Post/ABC News poll indicates 65 percent of adults believe private insurance plans paid for with government assistance should not include coverage of abortion.

I was in McCook, NE, a while back, doing a townhall meeting in August. After everybody had left, a gentleman came up to me. He told me something about that I will remember all the years I am in the Senate. First, he spoke about his faith, and then he said: I hope you understand, Senator, I cannot, under any circumstances, agree to anything that would allow my taxpayer dollars, either directly or indirectly, to fund abortions. He said: I cannot go there. He said: Please, do everything you can to stop this from happening.

Today, I stand with that gentleman from McCook, NE, to say we have to stop this.

I applaud my colleague from Nebraska, and I wish to end my comments with this. Senator NELSON stood on this issue and in a recent interview he said this:

I have said at the end of the day, if it doesn't have the Stupak language on abortion in it, I won't vote to move it off the floor.

I think that is a courageous statement. I do not mind standing here and saying I am very pleased to associate myself with Senator NELSON and Senator HATCH on this important amendment.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes 45 seconds.

Mr. JOHANNS. I yield my 2 minutes 45 seconds to Senator HATCH when he speaks. I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.
Mr. GRASSLEY. Mr. President, I yield 10 minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I appreciate this very much. It has been a healthy debate, a big debate, and it is an unusual debate because we haven’t debated Hyde around here for 20 years. So this is an unusual debate we are having. Normally, we debate about abortion but not about abortion funding because there has been an agreement in this body for 33 years about that. So this is an unusual debate, but I think it is an important one.

I think it is extraneous, in many respects, to the health care bill itself. Abortion is not health care, and so why we are debating the funding of abortion in a health care bill seems odd to me. But it is in the base bill, and we need to deal with that.

A lot of people are coming forward and saying: Well, OK, which way is this; is it in the bill or not on funding for abortion? I am going to go to an independent fact checker and cite this.

This is an independent research and prize-winning fact checker, PolitiFact.com, and they say our opponents’ characterization of this amendment was “misleading” and that “the people who would truly pay all their premium with their own money, and who would not use Federal subsidies at all, may be able in any way from obtaining abortion coverage, even if they obtain their insurance from the federally administered health exchange.”

That is an independent group, PolitiFact.com, saying this doesn’t limit the ability for somebody on their own to be able to purchase abortion coverage, if they want to do that, but in the base bill, what we are saying is we don’t want to put Federal funds in it as the longstanding policy has been here.

As the President himself has said when he spoke to a joint session of Congress, launching the health care debate:

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.

Unfortunately, in the Reid bill, this is not true. This is not true in the Reid bill. What is in the Reid bill is the so-called Capps amendment language, which allows for the Federal funding of abortion.

I wish to describe—and I think a great deal of what is in here has been described, but what is taking place is the Federal subsidization of an insurance program that will use Federal funding in it. According to most groups, that is what is taking place in the Capps language, which is in the base Reid bill.

I say this is an unusual debate that is taking place because we haven’t debated Hyde for years around here. I wish to read to you what is our normal status on funding of abortions; that is, that we don’t do Federal funding of abortions. I will read to you what the normal status is. The U.S. Conference of Catholic Bishops, which supports this base bill but does not support funding of abortions, describes it this way:

In every major federal program where federal funds combined with nonfederal funds to support or purchase health coverage, Congress has consistently sought to ensure that the entire package of benefits excludes elective abortions. For example, the Hyde amendment governing Medicaid prevents the funding of such abortions not only using federal funds, but also using the state matching funds that combine with the federal funds to subsidize the coverage. A similar amendment excludes elective abortions.

So there it is prohibited as well.

Where relevant, such provisions also specify that Federal funds may not be used to help pay the administrative expenses of a benefits package that includes abortions. Under this policy, those wishing to use state or private funds to purchase abortion coverage must do so completely separately from the plan that is purchased in whole or in part with federal financial assistance.

Here I take a quick aside. This is what we are saying should be done in this bill, but it is not what is done in this bill.

Going on:

This is the policy that health care reform legislation should support to comply with the legal status quo on federal funding of abortion coverage. All of the five health care reform bills approved in the 111th Congress from all plans offered under the Federal Employees Health Benefits Program, where private premiums are supplemented by a federal subsidy.

We have had many times, whether you agree with the president or not, that this is a controversial issue some time in the past, not recently. We don’t fund these things. So many people in America don’t want money used to pay for abortions. Yet in this base Reid bill, it is there. I urge my colleagues to vote in favor of the Nelson-Hatch-Casey amendment that puts into Hyde language that is the status quo that there is not taxpayer funding going toward abortion and to reject those who would put the Reid language forward that would take us back decades to an era when we did fund abortion procedures.

I yield the floor.

Ms. SNOWE. Mr. President, I rise today to voice my opposition to the Nelson-Hatch amendment. In deliberating how to construct a fair equi-

funding the elimination of. Under anybody’s definition of looking at that, they would say that is morally indefen-

sible. And it is morally indefensible. Those are the two central pieces we are discussing, the fiscal responsibility or irresponsibility of this and the moral indefensibility. At a time when the Federal Government being supportive and funding elective abortions flies in the face of trying to restrain or bend the cost curve down in this legislation. That is not us being fiscally responsible.

I think it is so striking. Back when we did do funding for abortions, we funded about 300,000 a year. How is that extra funding going to help us be more fiscally responsible? That is why a majority of the people, pro-life and pro-choice, are saying the Federal Government should not be funding this. I don’t believe that is fiscally responsible. And it is morally indefensible.

But it is in the base bill, and we need to deal with that. A majority of the country don’t want this in the base bill. This is an unusual debate, but I think it is an important one.

I say this is an unusual debate that is taking place because we haven’t debated Hyde for years around here.

I wish to read to you what is our normal status on funding of abortions; that is,
achieved that careful balance. Federal funds continue to be prohibited being used to pay for abortions unless the pregnancy is due to rape, incest or if the life of the mother is in danger. Health plans that choose to cover abortion must demonstrate that no tax credits or cost-sharing credits are used to pay for abortion care.

The Finance Committee adopted this solution primarily because the policy of separating Federal dollars from private dollars has been achieved in other instances and there is a precedent for that approach. Today, 17 States cover abortion beyond the Hyde limitations with State-only dollars in their Medicaid Programs. States and hospitals, which in no way want to risk their eligibility for Medicaid funding, use separate billing codes for abortions that are allowable under the Hyde amendment, and those that are not. And let me emphasize, there have never been any violations among the States in this regard. Similar approaches have also been taken with Title X family planning funds and the United Nations Population Fund. We ought to hew to current law and what we know already works.

Yet some want to prohibit women from using their own money—beyond taxpayer dollars—towards purchasing a plan in the exchange that covers abortion or limit coverage only through a supplemental policy. I have strong reservations about such an approach.

Under the Nelson-Hatch amendment, a woman must try to predict whether—or not she will require that coverage. This is an unfair proposition. Half of all pregnancies in this country are unplanned and most women do not anticipate the necessity for abortion coverage. Furthermore, in most cases, women already have that coverage. Today, between 47 and 80 percent of private dollars has been in abortion services. So for a middle income woman who already purchases coverage in the individual market and could now receive a subsidy, let me be clear about the effect this change would have. This would take away coverage she currently has essentially creating a two-tiered system for women who don't have coverage through their employer and instead receive it through the exchange. That is fundamentally wrong, and I believe patently unfair.

And the fact is, over time, more and more individuals will receive coverage through the exchange, which means that the number of women who will confront these restrictions will grow. Not only that but this amendment threatens to reach even further than the exchange. According to a study by the George Washington University School of Public Health that reviewed the Stupak/Pitts provisions from the House of the new amendment, this amendment is large enough so that Stupak/Pitts can be expected to alter the 'default' customs and practices that guide the health benefits industry as a whole, leading it to drop coverage in all markets in order to meet the lowest common denominator in both the exchange and expanded Medicaid markets."

As opposed to the demonstrated evidence from States that separating Federal and employer dollars, we can't say the same about the availability of supplemental, abortion-only coverage.

In the five States that have similar prohibitions on abortion coverage to the Nelson-Hatch amendment, supplemental coverage is generally not offered—as a result of a lack of market demand for riders. And even if supplemental coverage were available, there are significant privacy concerns. If a woman opted to purchase supplemental abortion coverage, it could be inferred that she plans to obtain an abortion. Confidentiality is vital to women who are making this choice and the possibility that this information could be disclosed is both serious and disturbing. Abortion is a personal and intimate matter on what should be a private matter between her family and her physician.

The fact of the matter is, whether to undergo an abortion is one of the most personal decisions a woman can ever make—and we shouldn't ignore the real life circumstances that lead them to this choice. For some expecting mothers, tragedy strikes when a lethal fetal anomaly is discovered. Other times there is a financial hardship or a confluence of circumstances to continuing a pregnancy. In these heartbreaking cases, a woman without coverage can face severe financial hardship in paying for these health costs—not to mention emotional anguish from ending a planned pregnancy.

Rather than focusing on abortion, we should concentrate on the significant obstacles women of child-bearing age face under our current health care system. And this has already been a clear victory for women in this bill. For example, maternity and newborn care is specifically included as an essential health benefit. Pregnancy is typically the most expensive health event for families during their childbirth years and there are significant consequences in a lack of coverage or even minimal coverage. Maternity coverage in the individual insurance market is difficult to find and exceedingly expensive. We saw this with current riders alone ranged from $106 to $1,100 per month, required waiting periods of one to 2 years with either no or limited coverage during that period and capped total maximum benefits as low as $2,000 to $6,000. Yet expenditures for maternity care typically exceed $8,000.

I am also pleased that we passed the Mikulski amendment, which I was proud to cosponsor, that will enhance preventive services for women. This could include preconception care, where doctors counsel women on nutrition and other health interventions before they become pregnant, as well as proper prenatal care.

This is critical as mothers who receive no prenatal care have an infant mortality rate more than six times that of mothers receiving early prenatal care. Yet 20 percent of women of childbearing age are uninsured and approximately 13 percent of all pregnant women are uninsured.

This bill also at long last ends the discriminatory practice of gender rating. For years, women in this age group seeking insurance coverage have faced clear inequities compared to men. Study conducted by the Na-

tional Women's Law Center found that insurers who practice gender rating charged 25-year-old women anywhere from 6 percent to 45 percent more than 25-year-old men, and charged 40-year-old women from 4 percent to 48 percent more than 40-year-old men. These critical improvements will enhance both access and health care outcomes for women. This is precisely the direction we should be heading — rather than creating additional obstacles in front of women.

Throughout my tenure in Congress I have opposed Federal funding for abortion. At the same time, as a champion of women's health, I have profound reservations about limiting coverage options for women when they are contributing private dollars. Women who are subject to an individual mandate and are contributing private dollars to the cost of their insurance should not have coverage choices dictated for them by the Federal Government. We are making decisions that will affect women on an intensely personal level and if we fail to craft the right solution, it could have serious implications for women's health and privacy.

I appreciate the Finance Committee's effort to navigate this difficult issue and hope we can concentrate on the task at hand—providing coverage to the 30 million uninsured Americans. In that light, I urge my colleagues to vote against the Nelson-Hatch amendment.

The PRESIDING OFFICER (Mr. CASEY). Who yields time?

Mr. GRASSLEY. I yield such time as Mr. GRASSLEY. I yield such time as is remaining to the Senator from Utah.

Mr. HATCH. Mr. President, I had a longer statement I was going to deliver this afternoon, but after listening to my colleagues speak about the Nelson-Casey-Hatch amendment, I want to take some time to refute some of the arguments they are making against our amendment.

It does not even sound as though they are talking about the same amendment I filed with Senators Nelson and Casey. Our amendment does nothing to roll back women's rights. When my colleagues on the other side say that, they are simply mischaracterizing our amendment. Our amendment ensures that the Hyde language, a provision that has been in the HHS appropriation for the last 33 years, will apply to the new health care programs created through this bill. We are applying current law

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to these programs. That is it. The current Hyde language ensures that no Federal Government funds are used to pay for elective abortion or health plans that provide elective abortion. Today States may only offer Medicaid abortion coverage if the coverage is paid for using entirely separate State funds, not State Medicaid matching funds. They cannot do that under current law. This is a longstanding policy based on a principle that the Federal Government does not want to encourage abortion.

For example, Guttmacher studies show that when abortion is not covered in Medicaid, roughly 25 percent of women in the covered population who would have otherwise had an abortion, choose to carry to term. I wanted to explain why the Reid-Capps language in the Reid bill is not the Hyde language. First, the Hyde amendment prohibits funding for abortions through Medicaid and other programs funded through the HHS appropriations bill. However, the public option is not subject to Hyde. Directly opposite the Hyde language, the Reid-Capps explicitly authorize funding for abortion plans. The Reid-Capps language explicitly authorizes the public option to pay for elective abortions. The public option will operate under the authority of the Secretary of HHS and draw funds from the Federal Treasury account. Regardless of how these funds are collected, the money used to fund these plans are Federal funds. Funding of abortion through this program will represent a clear departure from longstanding policy by authorizing the Federal Government to pay for elective abortion for the first time in decades.

The Nelson-Hatch-Casey amendment would prohibit funding for abortion under H.R. 3590 except in the cases of rape, incest, or to save the life of the mother. As is the case with the CHIP program and Department of Defense health care, the Nelson-Hatch-Casey amendment would be permanent law rather than an appropriations rider, subject to annual debate and approval. Any funding ban subject to annual approval will be in jeopardy in the future. Even if there are the votes to maintain the Hyde language, procedural tactics and veto threats could be employed and make it impossible to retain an annual ban.

Secondly, the Hyde amendment prohibits funding for health benefits coverage that includes coverage of abortion. This requirement ensures that the Federal Government does not encourage abortion by providing access to it. When the government subsidizes a plan, it is helping to make all of the covered services available. Federal premium subsidies authorized and appropriated in H.R. 3590 are not subject to annual appropriations and they are, therefore, not subject to the Hyde language. Opposite of the Hyde language, the Reid-Capps explicitly allow federal subsidies to pay for plans that cover abortion by applying an accounting scheme. Under the accounting scheme, the government is permitted to subsidize abortion coverage provided that funds used to reimburse for abortions are labeled “private” funds. This is an end run around the Hyde restriction on funding for plans that cover abortion.

Furthermore, under the accounting scheme, premium holders will be forced to pay at least $12 per year as an abortion surcharge to be used for paying for abortions. The Nelson-Casey-Hatch amendments would ensure that no funds under H.R. 3590 will subsidize plans that cover abortion. However, it does nothing to prohibit individuals from purchasing separate abortion coverage or from purchasing plans that cover abortion without a Federal subsidy.

Another issue I want to raise is the impact the Nelson-Hatch-Casey amendment would have on coverage of elective abortions by private health plans. I heard some of my colleagues say that our amendment would prohibit women from purchasing health plans with abortion coverage, even if they spend their own money. I understand there is a PolitiFact story with the headline “Lowey Says Stupak Amendment Restricts Abortion Coverage. Even for Those Who Pay for Their Own Plan.” That is simply not true. Our amendment would not prohibit the ability of women to obtain elective abortions as long as they use their own money to purchase separate abortion coverage. So when those who oppose our amendment say a woman would never want to purchase abortion coverage as a separate rider, they are truly misunderstanding that our language also permits women to purchase an identical exchange plan that includes coverage of elective abortions, in addition to other health benefits. To be clear, under our amendment, a woman may purchase with her own funds either a supplemental policy that excludes elective abortions or an entire health plan that includes the coverage of elective abortions.

Today, Federal funds may not pay for elective abortions or plans that cover elective abortions. This is the fundamental component of the Hyde language. And to be clear, the Nelson-Hatch-Casey language does not prevent people purchasing their own private plans that include elective abortion coverage with private dollars.

Additionally, our amendment explicitly states that these types of policies may be offered. In other words, our amendment does not restrict these policies from being offered. The only caveat is that they may not be purchased with Federal subsidies. We want people to purchase it with their own money. So I am sure they are not intentionally misrepresenting but nevertheless misrepresenting. So have fair warning.

It is also true that our amendment allows women to purchase a health plan that includes coverage of elective abortions in addition to the supplemental abortion policy as long as they use their own money. So when those who oppose our amendment say a woman would never want to purchase abortion coverage as a separate rider, they are truly misunderstanding that our language also permits women to purchase an identical exchange plan that includes coverage of elective abortions, in addition to other health benefits. To be clear, under our amendment, a woman may purchase with her own funds either a supplemental policy that excludes elective abortions or an entire health plan that includes the coverage of elective abortions.

(B) such coverage or plan is not purchased using—

(i) individual premium payments required for a qualified health plan offered through the Exchange towards which a credit is applied under section 36B of the Internal Revenue Code of 1986; or

(ii) other non-Federal funds required to receive Federal payment, including a State’s or locality’s contribution of Medicaid matching funds.

Under the Nelson-Hatch-Casey amendment, women are allowed to purchase separate supplemental coverage with their own money. I wish they would not, but we allow it. Anybody who says otherwise is misrepresenting what this amendment does. I am sure they are not intentionally misrepresenting but nevertheless misrepresenting. So have fair warning.

It is also true that our amendment allows women to purchase a health plan that includes coverage of elective abortions in addition to the supplemental abortion policy as long as they use their own money. So when those who oppose our amendment say a woman would never want to purchase abortion coverage as a separate rider, they are truly misunderstanding that our language also permits women to purchase an identical exchange plan that includes coverage of elective abortions, in addition to other health benefits. To be clear, under our amendment, a woman may purchase with her own funds either a supplemental policy that excludes elective abortions or an entire health plan that includes the coverage of elective abortions.

Today, Federal funds may not pay for elective abortions or plans that cover elective abortions. This is the fundamental component of the Hyde language. And to be clear, the Nelson-Hatch-Casey language does not prevent people purchasing their own private plans that include elective abortion coverage with private dollars.

Furthermore, under the Hyde amendment, women are allowed to purchase separate supplemental coverage with private dollars. Our amendment explicitly states that these types of policies may be offered. In other words, our amendment does not restrict these policies from being offered. The only caveat is that they may not be purchased with Federal subsidies. We want people to purchase it with their own money. So I am sure they are not intentionally misrepresenting but nevertheless misrepresenting. So have fair warning.

Let me read that section of the Nelson-Hatch-Casey amendment for my colleagues. It may be found on page 4, line 3, of the Nelson-Hatch-Casey amendment.

(3) Option To Offer Supplemental Coverage Or Plan.—

Now get this:

Nothing in this subsection shall restrict any non-Federal health insurance issuer offering a qualified health plan from offering supplemental coverage for abortions for which funding is prohibited under this subsection, or a plan that includes such abortion coverage, so long as—

(A) premiums for such separate supplemental coverage or plan are paid for entirely with funds not authorized or appropriated by this Act; and

(B) administrative costs and all services offered through such supplemental coverage...
or plan are paid for using only premiums collected for such coverage or plan; and
(C) any such non-Federal health insurance issuer that offers a qualified health plan through the Exchange that includes coverage for abortions for which funding is prohibited under this subsection also offers a qualified health plan through the Exchange that is identical in every respect except that it does not cover abortions for which funding is prohibited under this subsection.

Our amendment has the support of the U.S. Conference of Catholic Bishops, the National Right to Life Committee, the Family Research Council, the Ethics & Religious Liberty Commission of the Southern Baptist Convention, Concerned Women for America, the National Association of Evangelicals, and Americans United for Life Action.

Polls across the country indicate a majority of Americans do not want their tax dollars paying for elective abortions. According to a CNN/Opinion Research Corporation survey, 6 in 10 Americans favor a ban on the use of Federal funds for abortion. Anybody who understands that figure knows there are pro-choice people who also favor a ban on the use of Federal funds for abortion.

It also indicates that the public may also favor legislation that would prevent many women from getting their health insurance plan to cover the cost of an abortion, even if no Federal funds are involved. This poll indicates that 37 percent of those surveyed oppose the use of public money for abortions for women who cannot afford the procedure, with 37 percent in favor of allowing the use of Federal funds.

So my question to my fellow Senators is the following: When is this Congress going to start listening to the American people, people on both sides of this issue, who do not feel that taxpayers ought to be saddled with paying for abortion through their tax dollars, or in any way for that matter?

I urge my colleagues to support the Nelson-Hatch-Casey amendment. Do the right thing and support our amendment, which truly protects the sanctity of life and provides conscience protections to health care providers who do not want to perform abortions. That is an important aspect of this issue, and I have waited until the last minute to say something about that issue. Why should people of conscience be forced to fund abortions in any way with their tax dollars, and why not to support any healthcare bill that does not include specific language like the Stupak Amendment.

Please let me know how you vote on the upcoming motion to proceed to consider healthcare legislation.

Thank you.

Senator HATCH: I am extremely concerned that the majority of members of all the congressional committees that have considered healthcare legislation have refused to specifically include language that would prohibit allowing any of my tax dollars directly or indirectly funding abortions.

I am absolutely opposed to being forced to fund abortions in any way with my tax dollars, and I urge you not to support any healthcare bill that does not specifically prevent this. I consider abortion to be the taking of innocent life and a fundamental moral issue. I do not want to be forced to support it in any way.

Thank you.

Senator HATCH: During floor debate on the health care reform bill, please support an amendment to incorporate longstanding policies against abortion funding and in favor of conscience rights. If these serious concerns are not addressed, the final bill should be opposed.

Genuine health care reform should protect the life and dignity of all people from the moment of conception until natural death.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senator from Nebraska be allowed to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I rise to discuss the bipartisan amendment which I have proposed with Senator HATCH, the Presiding Officer, and others. As my good friend and colleague from Utah has so eloquently explained, this amendment mimics the language offered by Representative STUPAK that was accepted into the House health care bill. Our view is that it should become part of the Senate health care bill we are debating as well.

It is a fact that the issue of abortion stirs very strong emotions involving strongly held principles all across America, from those who support the procedure and those who do not. We are hearing that passion at times here on the Senate floor.

But we are not here to debate for or against abortion. This is a debate about taxpayer money. It is a debate about whether it is appropriate for public funds to, for the first time in more than three decades, cover elective abortions. In my opinion, most Americans and most of the people in my State would say no.

It is currently written, though, the Senate health care bill en banc taxpayer dollars, directly and indirectly, to pay for insurance plans that cover abortion. We should not open the door to do so. As I said yesterday, when we approved the amendment, some suggested the Stupak language imposes new restrictions on abortion. But that is not the case. We are seeking to apply the same standards to the Senate health care bill that already exist for many Federal health programs.

But the bill does set a new standard. It is a standard in favor of public funding of abortion. Our amendment does not limit the procedure, nor prevent people from buying insurance that covers abortion. It only ensures that when taxpayer dollars are involved, people are not required to pay for other people’s abortions.

Some have claimed that the amendment restricts abortion coverage even for those who pay for their own plan. That is not true, according to polifact.com, a prize-winning, fact-checking Web site, which looked at similar claims by a House Member during House debate on the Stupak amendment. PoliFact found, and I quote:

First, she suggests the amendment applies to everyone in the private insurance market when it just applies to those in the health care exchange. Second, her statement that the restrictions would affect women “even when they would pay premiums with their own money” is incorrect. In fact, women on the exchange who pay the premiums with their own money will be able to get abortion coverage. So we find her statement false.

The Nelson-Hatch-Casey amendment only incorporates the longstanding rules of the Hyde amendment which Congress approved in 1976, to ensure that no Federal funds are used to pay for abortion in the legislation.

This standard now applies to Federal health programs covering such wide and broad groups as veterans, Federal employees, Native Americans, active-duty servicemembers, and others—all of whom are covered under some form of a Federal health program. At this standard applies to individuals participating in the Children’s Health Insurance Program, Medicare, Medicaid, Indian Health Services, veterans health, and military health care programs. We are currently emphasizing another point. All current Federal health programs disallow the use of Federal funds to help pay for health plans that include abortion. Our amendment only continues that established Federal policy. Some have said the Hyde amendment does not currently apply. But that is not the case at all. The bill says the Secretary of Health and Human Services may allow elective abortion
coverage in the Community Health Insurance Option—the public option—if the Secretary believes there is sufficient segregation of funds to ensure Federal tax credits are not used to purchase that portion of the coverage.

The bill would also require that at least one insurance plan that covers abortion and one that does not cover abortion be offered on every State insurance exchange.

Federal legislation establishing a public option that provides abortion coverage and Federal legislation allowing States to opt out of the public option that provides abortion coverage eases—let me repeat the word "eases"—the standards established by the Hyde amendment.

The claim that the segregation of funds accomplishes the Hyde intent falls short. Segregation of funds is an accounting gimmick. The reality is, taxpayer-supported Federal dollars would help buy insurance coverage that includes covering abortion.

I wish to offer some other points about the effect of the Nelson-Hatch-Casey amendment.

Under the amendment, no funds authorized or appropriated by the bill could be used for abortions or for benefits packages that include abortion. The amendment would prohibit the use of the affordability tax credits to purchase a health insurance policy that covers abortion. It would also prohibit Federal funding for abortion under the Community Health Insurance Option.

In addition, the amendment makes exceptions in the cases of rape or incest or in cases of danger to the mother's life.

In addition, the amendment allows an individual to use their own private funds to purchase separate supplemental insurance coverage for abortions, perhaps even what is called a rider to an existing plan.

The amendment allows an individual whose private health care coverage is not adequate for the Federal Government to purchase or be covered by a plan that includes elective abortions, paid for with that individual's own premium dollars.

Under the amendment, a private insurer participating in the exchange can offer a plan that includes elective abortion coverage to nonsubsidized individuals on the exchange, as long as they also offer the same plan without elective abortion coverage to those who receive Federal subsidies.

On another point, under Federal law, States are allowed to set their own policies concerning abortion. Many States oppose the use of public funds for abortion. Many States have also passed State abortion laws requiring informed consent and waiting periods, requiring parental involvement in cases where minors seek abortions, and protecting the rights of health care providers who refuse, as a matter of conscience, to assist in abortion.

But perhaps most importantly, there is no Federal law, nor is there any State law, that requires a private health plan to include abortion coverage. But the bill before us, as written, does.

As I have said, the current health care bill we are debating should not be needed to open a new avenue for public funding of abortion. We should preserve the current policies, which have stood the test of time, which are supported by most Nebraskans and most Americans. The Senate bill, as proposed, goes against that majority public opinion. I think most would prefer that this health care bill remain neutral on abortion, not chart a new course providing public funds for the procedure. Public opinion suggests so.

So does the fact that over the last 30-plus years Congress has passed new Federal laws that have not broken with precedent.

Finally, as President Obama has said, this is a health care reform bill. It is not an abortion bill. So it is time to simply extend the longstanding standard disallowing public funding of abortion to new proposed Federal legislation.

Mr. President, I yield the floor.

Mr. BAUCUS. Mr. President, I yield to the Senator from California. At least indirectly it is our understanding that Senator Reid will soon come to the floor to speak.

Mrs. FEINSTEIN. As soon as he comes in, I would be happy to yield.

Mr. BAUCUS. That would be my request.

Mrs. FEINSTEIN. Thank you. I appreciate that.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, simply put, I believe this amendment would be a harsh and unnecessary step back in health coverage for American women.

What this amendment would do, as I read it, is to prohibit any health insurance plan that accepts a single government subsidy or dollar from providing coverage for any abortion, no matter how necessary that procedure might be for a woman's health, even if she pays for the coverage herself.

The proponents of this amendment say their sole aim is to block government funds from being used to cover abortion. But the existing bill already does that. In the bill before us, health plans that opt to cover abortion services—in cases other than rape, incest, or when the life of the mother is at stake—must segregate the premium dollars they receive to ensure that only private dollars and not government money is used. They argue that segregating funds means nothing—you heard that—and that money is fungible. However, this method of separating funds for separate uses is used in many other areas, and there is ample precedent for the provision.

For example, charitable choice programs allow agencies that promote religious to receive Federal funds as long as these funds are segregated from religious activities. We all know that. We see it in program after program. If these organizations can successfully segregate their sources of funding, surely health insurance plans can do the same. Additionally, the National Center of Health and Human Services must certify that the plan does not use any Federal funding for abortion coverage based on accounting standards created by the GAO. This amendment would place an unprecedented restriction on a woman's right to use her own money to purchase health care coverage that would cover abortions. Let me give my colleagues one example. Recently, my staff met with a bright, young, married attorney who works for the Federal Government. She and her husband desperately wanted to start a family and were overjoyed to learn she was pregnant. Subsequently she learned the baby was anencephalic, a birth defect whereby the majority of the brain does not develop. She was told the baby could not survive outside of the womb. She ended the pregnancy but received a bill of nearly $9,000. Because she was covered by the Federal Government, her insurance policy would not cover the procedure. Her physician argued that continuing the pregnancy could have resulted in "dysfunctional labor and postpartum hemorrhage, which can increase the risk carrying the pregnancy". The physician also warned that the complications could be "life threatening." However, OMB found that this circumstance did not meet the narrow exception in which a woman's life, not her health, is in danger. The patient was told: "The fetal anomaly presented no medical danger to you." Despite the admonitions of her physician, the best she could do was to negotiate down the cost to $3,000.

This story, without question, is tragic. A very much-wanted pregnancy could not be continued and, on top of this loss, the family was left with a substantial unpaid medical bill. Health insurance is designed to protect patients from incurring catastrophic bills following a catastrophic medical event. But if this amendment passes, insured women would lose any coverage included in the underlying bill, even if she pays for it herself. Why would this body want to do that? I can't support that.

A woman's pregnancy may also exacerbate a health condition that was previously undetected, or a woman may receive a new diagnosis in the middle of her pregnancy. It happens. If this amendment passes, women in these circumstances would also learn that their insurance does not cover an abortion. In some cases, it may be unclear whether the woman's health problem is a consequence of the definition of life endangerment.

The National Abortion Federation has compiled calls they receive on
their hotline which are available to women who need assistance obtaining abortion care. Let me give you a few examples.

Molly was having kidney problems and was in a great deal of pain. She couldn’t provide for her two children. When she became pregnant, she made the decision to terminate the pregnancy in order to have her kidney removed to begin her recovery. She knew carrying the pregnancy would involve additional health problems and would leave her unable to provide for her family.

Jamie already had severe health problems when she learned she was pregnant. She was a severe diabetic and her low blood sugar levels caused her to suffer from seizures. She was unable to continue her pregnancy but had difficulty affording the procedure.

Another was suffering from a serious liver disease which she believed she could not continue the pregnancy through. Doctors were unsure of the cause, but she was in a great deal of pain. She already had two children. She could not care for them because of this pain. The tests and medications she needed to address her medical condition were incompatible with pregnancy.

None of these women experienced immediate threats to their lives, so under this amendment their circumstances would not meet the narrow exceptions permitted for abortion coverage.

This is a problem. How can one say we are going to provide insurance, but we don’t like one aspect of it. We don’t want the government to pay for it. OK, OK, the woman herself can’t pay for it. That is the extra step that this legislation takes.

To this day, it is still legal to have an abortion. Women in this situation don’t buy insurance for abortion, but they do buy insurance to pay for them, married women, should something happen in a pregnancy in the third trimester. If they find a baby is without a brain, she can have an abortion, and it is covered.

One of the problems with this whole debate is everybody sees something through their own lens. They don’t see the grief and trouble and morbidity that is out there and the circumstances that drive a woman to decide—married—she has to terminate her pregnancy for very good medical reasons. Nobody considers that. This is all ideologic, and it really, deeply bothers me.

So I can only tell my colleagues I very much hope this amendment goes down.

Thank you very much, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I would like to summarize the reasons for and the intent of the amendment that Senator HATCH and the Presiding Officer and I, together with others, have proposed to the health care bill.

First of all, I should say the examples our very good friend from California has outlined would not have been covered under the Federal Employees Health Benefits Plan either because the Federal Employees Health Benefits Plan does not provide abortion coverage for such circumstances.

Our amendment mirrors the language that has been offered by Representative STUPAK that was adopted into the House health care bill, and we believe it should be applied to the Senate bill as well. As I said earlier, the issue of abortion certainly prompts strong opposition. To me, there are solid, deep-seated principles for millions and millions of Americans, those who support the procedure and those who don’t. But our amendment does not take sides on abortion. It is about the use of taxpayer money.

The question before us is whether public funds, for the first time in more than three decades, should cover elective abortions. Numerous public opinion polls have shown that most Americans, including those who support abortion, do not support public funds paying for abortion. But the Senate bill we are debating allows taxpayer dollars, directly and indirectly, to pay for insurance plans to cover abortion. That is out of step with the majority of Nebraskans and of all Americans.

Our amendment does not impose new restrictions on women despite what some have claimed, and I respect but strongly disagree with them. We are seeking to just apply the same standards to the Senate health care bill that already exist for every Federal health program.

Our amendment does not add a new restriction, but the bill does add a new relaxation of a Federal standard that has worked well for more than 30 years. Under our amendment, abortion isn’t limited, nor would people be prevented from buying insurance on the private market covering abortion with their own money.

Our amendment only ensures that where taxpayer money enters the picture, people are not required to pay for people’s abortions.

The Nelson-Hatch-Casey amendment incorporates the longstanding standard established by the Hyde amendment which Congress approved in 1976. Today it applies to every Federal health program. That includes plans that cover veterans, Federal employees, including Members of Congress, Native Americans, Active-Duty servicemembers, and a whole host of others.

Some people have called our amendment radical. Nothing could be further from the truth. It is reasonable. It is irrational because it follows established Federal law. It is right. Taxpayers shouldn’t be required to pay for people’s abortions. It is just that simple.

Thank you, Mr. President. I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.
among this institution's immortals is Senator Clay, who is pro-life, such as I am, and those who are pro-choice. One of the ways I have done this is by trying to reduce the rate and number of unintended pregnancies. Our great country leads the world in many ways. But this area is not one in which we take much pride. The United States has one of the highest rates of unintended pregnancies among all industrialized nations, and that is an understatement. Half of all pregnancies in America—every other one—is unintended. Of those, more than half result in abortions.

I have worked to stop this problem before it starts. In 1997, Senator Olympia Snowe and I started the first of many efforts to improve access to contraception. We said health plans should treat prescription contraception the same way it treats other prescription medications. We even passed a law that ensures that Federal employees have access to contraception. This proves what is possible when Senators have different backgrounds, both of good faith, work with each other rather than against each other.

In this case, a pro-life Democrat and a pro-choice Republican followed common sense and found common ground. I have always been appreciative of Senator Snowe for her cooperation and her courage. I continue, to this day, to be grateful.

Let us not forget that the historic bill before this body will continue those efforts. By making sure that all Americans can get good health care, we will reduce the number of unintended pregnancies at the root of this issue. That is a goal both Democrats and Republicans can agree is worthwhile.

Let's talk about current law and this bill. In that and many other respects, this bill is a good, strong, and historic one. It is a bill that will affect the lives of every single American, and it will do so for the better. It will—as you have heard me say many times—save lives, save money, and save Medicare.

But you have also heard me say this bill deserves to go through the legislative process. That process includes amendments. It warrants additions, subtractions, and modifications, as the Senate sees fit. This is an appropriate process, one that has served this body well for more than two centuries.

The amendment, before this way, offered by Senator Nelson of Nebraska, would make dramatic changes in current law in America. It is worth examining what that law says, how this bill would treat it and what this amendment would require in addition and then evaluating whether it improves the overall effort. As current law dictates, not a single taxpayer dollar—not one—can be used to pay for abortion. There are very few—but very serious—exceptions to this rule: Those are explicitly limited to cases in which the life of the mother is in danger and when the pregnancy is the result of rape or incest.

This law is the Hyde amendment. It has been on the books since the late Republican Congressman Henry Hyde wrote it in 1976. I have great respect for Henry Hyde, and I recall with fondness how this Illinois Republican Congressman came to Nevada and campaigned for me. We worked together at a time when a Republican could campaign for a Democrat and vice versa and not fear retribution and condemnation from his own party.

When we drafted the health reform bill for consideration, we worked hard to come up with a compromise between pro-life and pro-choice Senators. On one side, there are some Senators who don’t believe abortion should be legal, let alone funded. On the other hand, there are Senators who don’t want a woman’s access to legal abortion to depend on which health plan she could afford, and they wanted that reflected in this bill.

So legislation in pursuit of mutual concession, as Senator Clay advised, we struck a compromise. It is a compromise that recognizes people of good faith can have different beliefs, and instead of trying to settle the sensitive question of abortion rights in this bill, we found a fair middle ground.

That compromise is, we maintain current law. We are faithful to the Hyde amendment, which has been in place now for 33 years. Let me be clear. As our bill goes forward, insurance plans in the new marketplace we create—whether private or public—would be allowed to use taxpayer money for abortion, beyond the limits of existing law.

But we don’t stop there. The bill takes special care to keep public and private dollars separate to make sure that happens. This isn’t a new concept. It is worth noting this practice of segregating money is consistent with other entities that make sure the public doesn’t pay for things it shouldn’t. It is consistent with the existing Medicaid practice that gives States the option of covering abortion also at their expense. It mirrors practices already in place to separate church and State by ensuring money the Federal Government gives religious organizations is not used for religious practices. So we are not reinventing the wheel.

Just as current law demands, the bill respects the conscience of both individual health care providers and health care facilities. And once again, it goes further. Our bill not only safeguards a long list of Federal laws regarding conscience protections and refusal rights, it even outlaws discrimination against those health care providers and facilities with moral and religious objections to abortion. That means if a doctor does not want to perform an abortion, he or she can say no, no questions asked.

Health care facilities such as Catholic hospitals, which are the largest nongovernment, nonprofit health care providers in the country, would continue to have the right to refuse to perform abortions.

Under our bill, at least one plan that does not cover abortion services will have to be offered in each exchange so no one will be forced to enroll in a plan that covers abortion services. This is an improvement since the current marketplace does not provide a similar guarantee.

It is clear that the current bill does not expand or restrict anyone’s access to abortion, period. It does not force any health plans to cover abortion or prohibit them from doing so, period. Why? Because this bill is about access to health care, not access to abortions.

I have great respect for Senator Ben Nighthorse Campbell. His integrity and independence reflect on the Nebraskans he represents. His strong beliefs are rooted in his strong values. But he shows, better than most, that one can be steadfast without being stubborn. Senator Nelson has always been a gentleman whose consideration is the true portrait of how a Senator should conduct oneself.

I mentioned that our underlying bill leaves current law where it is. This amendment, however, does not. It goes further than the standard that has guided this country for 33 years. It would place limits not only on taxpayer money, which I support, but also on private money. Again, current law forbids Federal funds from paying for abortions, and our bill does not weaken that rule one bit. I believe current law is sufficient, and I do not believe we need to go further. Specifically, I do not believe the Senate needs to go as far as this amendment would take us. No one should use the health care bill to expand or restrict abortion, and no one should use the issue of abortion to rob millions of the opportunity to get good health care.

This is not the right place for this debate. We have to get on with the larger issue at hand. We have to keep moving toward the finish line and cannot be distracted by detours or derailled by diversions.

Our health reform bill now before this body respects life. I started by saying I believe in the sanctity of life. But my strong belief is that value does not end when a child is born; it continues throughout the lifetime of every person.

With this bill, nearly every American will be able to afford the care they need to stay healthy or care for a loved one. It respects life.
Those who today have nowhere to turn will soon have security against what President Harry Truman called “the economic effects of sickness.” It respects life.

Those who suffer from disease, from injury, or from disability will no longer be told by their adjusters they are not met that they are on their own. It respects life.

It will help seniors afford every prescription drug they need so they do not have to decide which pills to skip and which pills to split. It respects life.

It will stop terrible illnesses before they start and stop Americans from dying of diseases we know how to treat. It respects life.

We will stop terrible abuses, such as insurance companies looking at earnings reports instead of your doctor’s report and charging rates that make the health we want a luxury. It respects life.

We will ensure the most vulnerable and the least prosperous among us can afford to go to a doctor when they are sick or hurt, not to the emergency room where the rest of us pick up the bill. It respects life.

This bill recognizes that health care is a human right. This bill respects life.

The issue in this amendment is not the only so-called moral issue in this debate. The ability of all Americans to afford and get the access to care they need to stay healthy is also a question of morality.

The reason I oppose abortion and the reason I support the historic bill is the same: I respect the sanctity of life.

My vote today will also honor another of our most beloved leaders, declared life to this Nation has, drafted by one of our
ness, or one pink slip away from losing

We cannot turn our backs on the many hundreds, not millions but tens of millions.

can-do for our country for generations to come, what it will do for our constituents, my children, my grandchildren, and their children and their grandchildren. I will not support efforts to undermine this historic legislation.

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate proceed to vote in relation to the Nelson-Hatch amendment No. 2962; that regardless of the outcome of the vote with respect to that amendment, there be 2 minutes of debate prior to a vote in relation to the McCain motion to commit, equally divided and controlled in the usual form; that upon the use or yielding back of that time, the Senate proceed to vote in relation to the McCain motion to commit, the McCain motion to be subject to an affirmative 60-vote threshold; that if the motion achieves that threshold, then it be agreed to and the motion to reconsider be laid upon the table; that if it does not achieve that threshold, then it be withdrawn; and that no amendment be in order in the motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I move to table the Nelson amendment, and I ask for the vote now.

The PRESIDING OFFICER. The motion was agreed to.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to the motion to commit offered by the Senator from Arizona.

Who yields time? The Senator from Montana.

Mr. BAUCUS. Mr. President, the McCain motion to commit on Medicare Advantage would keep overpayments in the Medicare Advantage program, even though the Medicare Payment Advisory Commission recommends that they be eliminated.

The McCain motion to commit is a tax on all seniors. It would maintain the overpayments to private insurers and require beneficiaries to pay higher Part B premiums. The average couple pays $90 per year just so insurers can reap greater profits under Medicare.

The McCain amendment is a raid on the Medicare trust fund. MA overpayments take 18 months off the life of the Part A trust fund. And according to MedPAC, there is no evidence of greater quality of care. In fact, MedPAC told Congress this year that “only some” MA plans are of high quality. MedPAC finds that “only half of beneficiaries nationwide have access to a plan that MedPAC rates above average on overall plan quality.”

The more than 45 million seniors with Medicare deserve better. They do not deserve to subsidize high profits of private insurers. And the more than 11 million Medicare beneficiaries who choose to enroll in private plans also deserve better. They deserve plans that coordinate care. Most plans today do not. They deserve plans that are of high quality. Many plans today do not.

If Senators want to help beneficiaries, they will vote to eliminate overpayments under Medicare Advantage. And they should vote against the McCain motion.
The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, this amendment is about an earmark. It is about a special deal cut for a special group of people who happen to reside in the State of Florida. I am never so pre-sumptuous as to think that too many votes trying to eliminate earmarks. But what I am trying to do is allow every American citizen who is enrolled in Medicare Advantage to have the same protection of their Medicare Advantage Program as the Senator from Florida has carved out in this bill. That is all it is about. It is about equality. It is about not letting one special group of people who reside in a particular State get a better deal than those who live in the rest of the country. That is all this amendment is about.

It will probably be voted down on a party-line vote. But what you have done is you have allowed a carve-out for a few hundred thousand people in the State of Florida and have disallowed the other 11 million who have Medicare Advantage from having their health care cut. That is what this is all about.

Mr. BOND. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—youes 42, nays 57, as follows:

[Rollcall Vote No. 370 Leg.]

YEAS—42

Alexander  DeMint  McCain
Barrasso  Ensign  McConnell
Bennett  Enzi  Murkowski
Bond  Graham  Nelson (NE)
Brownback  Grassley  Risch
Bunning  Gregg  Roberts
Burton  Hatch  Sessions
Chambliss  Hatch  Shelby
Colburn  Inhofe  Snowe
Cochnar  Isakson  Thune
Collins  Johanns  Vitter
Corker  Kyl  Voinovich
Cornyn  LeMieux  Webb
Crapo  Lugar  Wicker

NAYS—57

Akaka  Feinstein  McCaskill
Baucus Franken  Menendez
Bayh  Gillibrand  Merkley
Begich  Hagan  Mikulski
Benetton  Harkin  Murray
Bingaman  Inouye  Nelson (FL)
Boxer  Johnson  Pryor
Brown  Kaufman  Voinovich
Burr  Kerry  Reed
Cantwell  Kirk  Reid
Cardin  Klobuchar  Rockefeller
Capito  Kohl  Sanders
Casey  Landrieu  Shaheen
Conrad  Lankford  Shaheen
Dodd  Leahy  Specter
Dorgan  Lugar  Stabenow
Durbin  Lieberman  Lincoln

The PRESIDING OFFICER. On this vote, the yeas are 42, the nays are 57. Under the previous order requiring 60 votes for adoption of the motion, the motion is lost.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Texas.

Mr. DORGAN. Madam President, will the Senator from Texas yield for a unanimous consent request?

Mrs. HUTCHISON. I will.

Mr. DORGAN. Madam President, I ask unanimous consent that following the presentation by the Senator from Texas that I be recognized to offer an amendment, and following that Senator CRAPO be recognized to offer an amendment, and Senator CRAPO, I believe, wishes to speak 2 or 3 minutes, and following that I would then be recognized as well for a presentation on the amendment I have offered, and following my presentation, the Senator from Minnesota, Ms. KLOBUCHAR, would be recognized, and Senator KAUFMAN would be recognized as part of the col-

ogy with Senator KLOBUCHAR.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas.

Mrs. HUTCHISON. Madam President, we have spent the last few days highlighting how this health care reform bill is paid for by cutting benefits to seniors, jeopardizing their access to care. Almost $500 billion will be cut from the Medicare Program.

But this bill also imposes $1/2 trillion in new taxes. These are taxes that hit every American and virtually every health care business or related business in the country.

During an economic downturn, this approach is counterintuitive. These taxes will discourage investment and hiring. We are in one of the worst economic downturns in the history of our country. We do not need to tell anybody that. We are all feeling it. We know people who are suffering right now.

I look at what has been done in the past when we have had economic downturns, and I look at President Kennedy, President Reagan, President Bush. They lowered taxes. What happened? The economy was spurred. Lower taxes have proven to spur the economy. Yet in this bill we see $1/2 trillion in new taxes on families and small businesses.

Let’s walk through some of these taxes.

Employer taxes. Madam President, $28 billion in new taxes is imposed on businesses that do not provide health insurance to their employees. To avoid the tax, an employer has to provide the right kind of insurance—insurance that the Federal Government approves. It is going to be a certain percentage and have certain coverage requirements. Employers who do not provide the right kind of insurance could see a penalty as high as $3,000 per employee.

We should be encouraging people to hire in this kind of environment. That should be job No. 1: creating jobs.

Individual taxes. There are $8 billion in taxes for those who don’t purchase insurance on their own. The tax is $750 per person. Again, because you are insured today does not mean you will avoid the tax. You must have the right kind of insurance—insurance that the Federal Government approves and says is the right amount of insurance.

How about the taxes on high-benefit plans? There are $149 billion in taxes on health insurance plans that the Federal Government says are too robust. These high-benefit plans some call them—would be subject to a 40-percent excise tax. To make it worse, the tax is not indexed, so it is a new AMT, a new alternative minimum tax. When everyone says we are supposed to encourage on lower income people, but, in fact, it has because it is not indexed for inflation.

So here we are. In this bill, you get taxed if you don’t provide enough benefits and you get taxed if you provide too many benefits. So this is beginning to sound like government-run health care to me, and I can only imagine how the unions feel because they are the ones that have these high-benefit plans and there are going to be huge penalties. The people are going to have too much coverage.

Medicare payroll tax. This is the new payroll tax that is imposed on individuals making more than $200,000 and couples making more than $250,000. These taxes raise another $44 billion. This additional payroll tax is a marriage penalty. It is not indexed to inflation, meaning it is another AMT in the making because today, that may sound high—$44 billion—and it is a huge marriage penalty, and it could begin then to go down in numbers so that more and more people are affected.

This body voted unanimously during the budget debate—unanimously—that a point of order would be made against legislation that would impose a marriage penalty in the budget. So we have voted unanimously that a budget point of order would stand if there is a marriage penalty in the budget. So we have now here we are a few months later, and the majority is not only retracting from the opposition to the marriage penalty, but we now have for the first time in our Tax Code—or will when this bill passes—a payroll tax marriage penalty. How on Earth can we do that?

I am going to fight this marriage penalty, and I hope the Senate will vote against this concept. It is a new precedent that could be set in other areas that would say that if you are married, you are going to get fewer benefits than if you are single. That is not a precedent we ought to be setting.
Then there is the medical deduction cap. There is a change in our Tax Code that would limit the itemized deduction for medical expenses. We have always had one that said if your medical expenses go above 7.5 percent of your income, you get to deduct anything above that. This bill increases that threshold to 10 percent so that if you are going to get deductions—and this is going to affect people who have catastrophic accidents, really, really major bills related to devastating health conditions, or very, very expensive medicine—if you go above 7.5 percent today, you would be able to deduct. But in this bill, it is going to be 10 percent of your income before the government is going to allow you to deduct these added expenses.

Then there is the drug, device, and insurance company taxes: $60 billion in taxes assessed to insurance companies, $22 billion to device manufacturers, and $20 billion on medical device manufacturers. The experts have said, all of the economists have said these taxes will be paid by the public. Of course they are going to be passed on to premiums for every insurance policy that is already there, and higher prices for medications and medical equipment.

So medications you take for diabetes or heart disease, medications or medical devices that you need to fight cancer would all become more expensive because every one of them would have a higher cost because the company is going to pay an added fee just for producing these medicines and equipment. So people are struggling today with their medical bills. They are struggling to fill prescriptions. Why aren’t we bringing costs down? Isn’t medical cost part of the reason for reform? Wasn’t the point of reform to bring the costs down so more people would have affordable options for health care coverage? What happened to that? All of these taxes on individuals and businesses are going to drive prices and costs up.

In closing, the bill before us imposes $1 trillion in tax increases, taxing their access to health care, and then trying to get their 60 votes—which we know they are—that maybe they might consider bringing everybody into this process and listening to other ideas that would not be a government takeover of our health care system; that would not be more government mandates, more taxes, cuts from Medicare, cuts from Medicaid, a recipe for disaster for our country, and I hope it is not too late for the Democratic majority to say: OK, let’s get together and try to put together a bipartisan plan that will not hurt the quality of health care that America is known and expected in our country, one that will bring costs down and make health care more affordable, one that will give carrots to our employers not sticks that will switch them if they don’t have the right kind of coverage or the government-approved coverage or the right percentage of coverage.

We can do better and I hope we will. Thank you, Madam President. I yield the floor.

Mr. DORGAN. Madam President, I call up amendment No. 2793, as modified, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Dakota.

AMENDMENT NO. 2793, AS MODIFIED, TO AMENDMENT NO. 2796

(Purpose: to provide for the importation of prescription drugs)

Mr. DORGAN. Madam President, I call up amendment No. 2793, as modified, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The amendment is printed in today’s RECORD under “Text of Amendments.”

Mr. DORGAN. Madam President, my understanding is that the Senator from Idaho is to be recognized next for laying down an amendment.

The PRESIDING OFFICER. The Senator from Idaho.

MOTION TO COMMIT

Mr. CRAPO. Madam President, I have a motion at the desk which I wish to call up and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

(The amendment is printed in today’s RECORD under “Text of Amendments.”)

Mr. DORGAN. Madam President, my understanding is that the Senator from Idaho is to be recognized next for laying down an amendment.

As the motion which has just been read clearly states, this motion would be to commit this bill to the Finance Committee for the Finance Committee to do one simple thing, and that is to make the bill conform to President Obama’s pledge to the American people about health care reform and who would pay for health care reform.

In a speech he has given in a number of different places, President Obama has very clearly stated:

I can make a firm pledge . . . no family making less than $250,000 will see their taxes increase . . . not your income taxes, not your payroll taxes, not any of your taxes. You will not see any of your taxes increase one single dime.

All this motion does is commit this bill to the Finance Committee to make the Finance Committee assure that its provisions comply with this pledge.

Now, why would we want to do that? I think most Americans are very aware today that this bill comes at a huge price. There are $2.5 trillion of new Federal spending, $2.5 trillion of new Federal spending is offset, if you will, by about $500 billion worth of cuts in Medicare and $493 billion worth of cuts in the first 10 years are tax increases, $1.3 trillion of tax increases in the first real 10 years of the full implementation of the bill. There is no question but that much of the tax increase that is included in this bill to pay for this massive increase in Federal spending will come squarely in the United States who make less than $250,000 as a family or less than $300,000 as individuals.

All we need to do is to go through this bill to see that by the analysis we have made so far, it appears that at least 42 million households in America will pay a portion of this $1.2 trillion in new taxes, people who are under these income levels to whom President Obama made the pledge.

I will have a greater opportunity tomorrow to discuss this motion in more detail. Tonight I just had a few minutes to make the introduction and to call up the motion, and we will then get into a fuller discussion on how this bill provides a heavy tax burden on the middle class of this country in direct violation of the President’s pledge.

So as I conclude, I would simply say this is a very simple amendment. We can debate about whether the bill does or does not increase taxes—I think that is absolutely clear—on those in the middle class. But all the motion would do is to commit this bill to the Finance Committee to make the Finance Committee make the bill comport with the President’s pledge.

I will conclude by just reading his pledge one more time. The President, in his words, said:

I can make a firm pledge . . . no family making less than $250,000 will see their taxes increase . . . not your income taxes, not your payroll taxes, not any of your taxes. You will not see any of your taxes increase one single dime.
That is what this motion accomplishes.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. Klobuchar. The amendment I have offered with many colleagues—over 30 colleagues, Republic-

ans and Democrats, a bipartisan legi-

slation—deals with the issue of pre-

scription drugs; specifically, the impor-

tance of lowering the price of prescription drugs that the American people would be able to ac-

cess for a fraction of the price they are charged in this country.

The American people are paying the highest prices in the world for brand-

name prescription drugs.

It is not even close. Let me just show you the first chart. I have many, I will show the first one to describe what

brings me to the floor of the Senate.

That is Lipitor. There are so many people who take Lipitor that they probably ought to put it in the water supply—the most popular cholesterol-lowering drug in America, per-

haps in the world. Here is what the American people pay for an equivalent quantity:

$125. The same quantity costs $40 in Britain, $32 in Spain, $63 in the Netherlands, $48 in Germany, $53 in France, and $35 in Canada. Once again, it is $125 to the American consumer.

Here are the two bottles for Lipitor. It is made in Ireland by an American company and then sent around the world. This happened to go to Canada, and this went to the United States. It is the same Lipitor, same bottle, same company, made at the same manufac-

turing plant, and it is FDA approved.

Difference? The American consumer gets to pay three to four times higher cost. Fair? Not for me.

This is what this amendment is about. This amendment is about freedom, giving the American people the freedom in the global economy to buy the same FDA-approved drug from those countries that have an identical drug as we do in this coun-

try, so an FDA-approved drug sold for a fraction of the price—why should we prevent the American people from being able to exercise and see the same savings every other consumer in the world sees?

Let me see whether anybody recognizes this. Prescription drugs are a sig-

nificant part of our lives. We are bombarded with ads every single day. Let me show you a demonstration of the push to consume of prescription drugs at the highest brand-name prices in the world.

On television, Sally Field says to us—and I have seen it many mornings when I am brushing my teeth—she says this:

I always thought calcium, vitamin D, and exercise would keep my bones healthy. But I got osteoporosis anyway, so my doctor start-
ed me on Boniva. And they told me something important: Boniva works with your body to help stop and reverse bone loss.

My test results proved I was able to stop and reverse my bone loss with Boniva. And studies show that after one year, 9 out of 10 women did, too.

I’ve got this one body and this one life, so I wanted to stop my bone loss. But I did more than that; I reversed it with Boniva. Ask your doctor if Boniva is right for you.

Here is another one:

Some of us developed a falling asleep. Some of us need help staying asleep. A good night’s sleep doesn’t have to be an off/on thing any-

more.

From the makers of the most prescribed name in sleep medicine comes controlled re-

lease Ambien CR. It’s the only one with two levels of sleep rel-

ief. Ambien CR helps treat you and your doctor can consider along with lifestyle changes and can be taken for as long as your health care provider recommends.

So ask your provider about Ambien CR, for a good night’s sleep from start to finish.

Here is another one:

Does your restless mind keep you from sleeping? Did you awake exhausted? Well, maybe it’s time to ask whether Lunesta is right for you.

For a limited time, you’re invited to take the 7-night Lunesta. Ask your doctor how to get 7 nights of Lunesta free and see if it’s the sleep aid you’ve been looking for.

Get your coupon at Lunesta.com and ask for your doctor today.

Here is another one:

They’re running the men’s room marathon, with lots of guys going over and over. And here’s the dash to the men’s room with lots of guys going urgently. Then there’s a night game waking up to go.

These guys should be in a race to see their doctors. Those symptoms could be signs of BPH or enlarged prostate. Waking up to go, starting and stopping, going urgently, incomplete emptying, weak stream, going over and over, straining.

For many guys, prescription Flomax reduces urinary symptoms associated with BPH in one week. Only a doctor can tell if you have BPH and not a more serious condi-
tion like prostate cancer.

Call 1-877–FLOMAX to see if Flomax works for you and to see if you qualify for $40 off your prescription.

For many men, Flomax can make a dif-

ference in one week.

Here is another one:

There are moments you look forward to, and you shouldn’t have to miss out on them. Sometimes a problem can cause unwanted interruptions. It doesn’t have to be that way. Overactive bladder is a treatable medical condition.

Enablex is a medication that can help re-

duce bladder leaks and accidents for a full 24 hours. Ask your doctor about Enablex.

Well, I have a couple dozen more. Most people understand what this is because an evening advertisement—things like: Go ask your doctor if the purple pill is right for you. They don’t have the foggiest idea what a purple pill is for. They think that with all these scenes of trees and green grass and calm lakes and car rides and pillow clouds in the sky, if life is good, that when you are on the purple pill, give me some purple pills. I mean, that is what this advertising is all about.

I don’t mean to make light or fun of all of it. Prescription drugs are impor-
tant in people’s lives. I understand that. But you know what, you can only get a prescription drug if your doctor prescribes it and believes you need it.

These advertisements are telling people sitting at home watching a tele-

vision program tonight that you need to get up and go talk to your doctor and see if you don’t need some of these pills. It is trying to create consumer demand for something you can get only because a doctor believes you should have it.

Well, that is where we are now with prescription drugs in our country. A lot of people are taking prescription drugs. A lot of these drugs are miracle drugs, they allow people to stay out of a hospital. They don’t have to be in an acute-care hospital bed if they manage the disease—whether it is high blood pressure, high cholesterol—with medi-
cine. That is good, and I understand that. But this consumer demand-driven urge for prescription drugs is pretty unbelievable. Go talk to a doctor and ask that doctor what happens every single day in the doctor’s office. Some-

body is coming in and saying: I wonder if this wouldn’t be working for me. Here is what the medicine. I read about it or saw the ad-

vertisement about this. I wonder if I shouldn’t be taking some of it. It is quite a deal.

You produce all of this demand with dramatic amounts of marketing, pro-

motion, and advertising, and then you jack up the price and keep it up. The question is, Who can afford these pre-

scription drugs? Who can afford them?

So that is what brings me to the floor of the Senate today saying that when the American people are charged the highest prices for brand-name drugs—and this year, it goes up close to 10 percent once again in price—at a time when we have almost no inflation, isn’t that pricing prescription drugs out of the reach of too many Ameri-

cans?

We are now talking about health care reform. There is nothing in any of this legislation in the House or the Senate that addresses the steep and relentless price increases on prescription drugs. There is nothing in any of this legislation that does that. The question is, Shouldn’t we be ad-

ressing this as well?

I talked about Lipitor. Let me show you Plavix. Do you see the U.S. price? The U.S. consumer pays the highest prices in the world.

Here is Nexium. If you want to buy that, you get to pay $524 in the United States, and it is sold in England, $36 in Spain, and $37 in Germany. The question is this: If Nexium is an FDA-approved drug—and it is—made in plants approved by our FDA—and it is—why should an Ameri-

can citizen not be able to access this drug from here, from overseas, and from here? It is because the pharmaceutical industry doesn’t want them to. They have had enough friends here to keep in place a law that prevents the Ameri-

can people from reimporting these drugs. That is what this amendment is about. This amendment says: Give the American people the freedom to access
FDA-approved drugs where they are sold at a fraction of the price.

Madam President, there is a lot to talk about, and I will describe a number of circumstances that have brought us to this point.

This is the place for this amendment—not some other place; this is the place. It is about health care. We have been told over and over again that our problem is that health care is consuming too large a portion of the GDP of this country—roughly 17 percent. I believe. All right, part of health care—not the largest part but one of the fastest growing parts is prescription drugs. So if the issue is that health care is rising in cost relentlessly and consuming too large a portion of our GDP because we spend much more on health care than anybody else in the world by far—it is not even close—if that is the case and if one of the fastest rising areas of health care is drug costs, then why would legislation that leaves this Chamber bereft of responsibilities not include something that addresses these unbelievable price increases for prescription drugs? How is it that we would allow that to happen?

I don’t know how we got to this point with the bill in the Senate. I want to talk about the issue of drug prices versus inflation. This chart shows what has happened to the price of prescription drugs, the red line, and the inflation rate in this country, the yellow line. It describes why it is urgent that we do something, why we cannot allow a health reform bill to leave this Chamber and do nothing about the issue of prescription drugs. We must at least address this question of whether the American people should not have the freedom to access these lower prices or whether they were sold elsewhere for a fraction of the price.

This year, there was a 9.3-percent increase in brand-name prescription drug prices, at a time when inflation is going down. We have had deflation. That is not right.

Madam President, I know we are going to have a lot of debate here in the Chamber about a lot of things. I will describe tomorrow morning, when I speak, that 40 percent of the active ingredients in U.S. prescription drugs currently come from India and China. And they are worried about somebody from Sioux Falls, SD, buying prescription drugs from Winnipeg. Are you kidding me? Again, 40 percent of the active ingredients in U.S. prescription drugs currently come from India and China. In most cases, the places those active ingredients come from have never been inspected.

I will talk about that, but I am not going to do it tonight. I will talk about a number of issues related to drug safety of the existing drug supply and how what we have included in this legislation with respect to pedigree, batch lots and track and trace will dramatically improve the existing drug supply in our country and make certain we prevent safety problems coming from the importation of drugs.

I am going to speak about this at some length tomorrow. But I just received a letter from the FDA, Margaret Hamburg, who raises some questions about the amendment. I am not going to read the letter into the RECORD. I will talk more about it tomorrow.

I must say, I am in some ways surprised by the letter and in some ways not surprised at all. Surprised, because this administration, President Obama, was a coprison of this legislation last year in the Senate—a coprison of my legislation. He was part of a bipartisan group that believed the American people ought to have this right and believed we could put together a piece of legislation that has sufficient safety capabilities and, in fact, dramatically enhances the safety of our existing drug supply.

I am going to show tomorrow that the existing drug supply has all kinds of issues. I will show batch lots of expired drugs that go through strip joints, in the back room incoolers, and distributed out of strip joints. I am going to talk about that. But, first, I wish to say I was surprised to get this letter because both the President and the Chief of Staff at the White House were a coprison of the Senate and a leader in the House for reimportation of prescription drugs.

I called the head of the FDA yesterday afternoon about this time and said: I have heard rumors that there was a letter coming to Capitol Hill on this issue. She told me she was not aware of such a letter. Twenty-four hours later, apparently she is aware of that letter because she signed it. I am interested in where it was written, but that is another subject I will save for tomorrow as well.

We will be told, as we have been so often, that if you allow the American people to buy prescription drugs that are FDA approved from elsewhere, it somehow will not work. The implication is, we are not smart enough and we are not capable enough of putting together a system that the Europeans have had together for 20 years.

In Europe, they do it routinely. For 20 years, they have had something called parallel trading. You are in Germany and want to buy a prescription drug from Spain? No problem. You are in Italy and want to buy a prescription drug from France? No problem. They have a specific parallel trading system, and it works and works well.

I am going to describe, in the words of someone who has been involved in that system for many years, that the Europeans can do, have done it, do it tomorrow. Why can’t the people saying they can do it, they are smart enough, they are capable enough, but we are not? Give me a break. That makes no sense to me at all. Of course, we can do this.

It is just that those who do not want to do it have decided this current “deal,” which allows the pharmaceutical industry to price as they wish in this country and make certain the American people cannot do anything to go elsewhere. They have no problems, if you let people say they can do it, they are smart enough, they are capable enough, but we are not? Give me a break. That makes no sense to me at all of course, we can do this.

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December 8, 2009
We are dealing with health care, which is a big issue and an unbelievably controversial issue. This is one piece of it—not even the biggest piece—but it is an important piece.

I have a lot to say tomorrow morning, and I will talk substantial time. I know there are others who want to speak tonight. I wish to say this. I have watched and listened in this Chamber now for some while. I have not spoken a lot on health care. I have been pretty distressed about some of what has been said in the Senate. I especially have been distressed with the television ads that have been running that are unbelievably dishonest with respect to the facts. The first amendment allows all that. I would be the last to suggest we ought to alter the first amendment.

This is a great country in which we live. Over the last century, for example, we have made a lot of changes, and in most every case—in most every single one of those changes have been unbelievably painful.

I think of the Presiding Officer and think of the period in which the women in this country wanted the right to vote and were taken to the Occoquan Prison. Lucy Byrne and Alice Paul, they nearly choked to death one of them; the other hung with a chain from a prison door all night long with blood running down her arms. Why? Because they wanted the right to vote. Think of the pain of that.

Now we look back and say: How could anybody have decided we are all Americans except women do not have full participation because they cannot vote? Think of that. You can go right up the line. Social Security: a Communist socialist plot. Medicare: What are you thinking about? A takeover of health care for senior citizens.

I bet there is not—I was going to say that there are not more than two or three people in this Chamber, if we said: Let's get rid of Medicare, who would say: Yes, let's do that. Almost everybody believes that providing health care for senior citizens was the right thing to do.

There were no insurance companies in the fifties and early sixties that said: Here is our business strategy. Our business strategy is to go look for old people and see if we can't sell them health care because we think that would be a very good deal. They were not doing that. They would not even make health insurance available to a lot of old folks because they know, somewhere toward the end of their lives, they were going to need a lot of health care. One-half of the senior citizens in America had no access to health care. Think of that—lie down on your pillow at night frightened that tomorrow might be the day you have this dreaded disease and you have no coverage, so you have to go to a hospital. It is unbelievable.

So some people in this Chamber said: Let's do Medicare. Man, that was radical. People said: Socialist plot, government takeover. But we did it. It was not here. They did it—God bless the ones who did it—and it enriched this country, to say all those who lived their lives and built the roads and built the schools and built the communities and lived for you. Are you not going to have to lay awake at night frightened about your health care; we are going to provide health care for you.

All these issues have been difficult, draining, wrenching issues, and they have all provoked great criticism and great anger, in many cases. This issue of health care brought to the floor of the Senate—I, perhaps, would have a different view of what is the priority.

I have spent most of my time saying: The economic engine, restart the engine, get people back to work. But that does not mean health care is not important. It is. Health care continues to gobble up more and more of this country's economy. At some point, somebody has to say: How do we stop this? If we are spending much more than anybody else, how do we fix this?

That is what this is about. It is going to take some courage to do it. One piece is prescription drugs and pricing. Some of us have been working on this for a long time. The breadth of the support of this issue in this Chamber extends from the late Senator Ted Kennedy, who sat in that seat back there—and God bless his memory—to John McCain over there; it extends to Senator Chuck Grassley, Debbie Stabenow, Amy Klobuchar—a whole series of Republicans and Democrats who have come together to say: You know what, let's make sure there is fair pricing of prescription drugs for the American people.

We are not asking for anything other than fair pricing. How do you get it? My goal is not to ask the American people to import prescription drugs, overseas. My goal is to say, if we allow the American people the freedom to do that, the pharmaceutical industry will be required to reprice their drugs in this country. It is as simple as that.

I know others wish to speak. As I said, I have a lot to say tomorrow. I am going to go home kind of upset about this letter today from the FDA, which is, in my judgment, completely bogus. I will read it tomorrow. I am not surprised I expected this. I heard rumors about it.

Tomorrow my hope is with my colleagues—Republicans and Democrats—we will pass this legislation at last, at long last. Many of us have been working on this issue 6, 8, 10 years. We will pass this legislation. Why? Because this is the place for it. This is the bill that should be amended. This is the time to do this. We cannot walk out of this Chamber and say something happened in that Chamber to deal with health care before we deal with something about prescription drugs. No, no, we couldn't do that, couldn't do that. This is not the way I want this to end, and it is not the way it has to end if enough of us have the courage to take on this fight.

As I said, I will have a lot more to say tomorrow morning. I appreciate the indulgence of my colleagues to listen tonight about why we have offered this legislation.

I started and let me finish by saying this is broadly bipartisan. It is, first and foremost, a Dorgan-Snowe bill. Senator Dorgan—Senator Snowe from the State of Maine, but many others—my colleague, Senator Grassley, who is on the floor, Senator McCain, who spent a lot of time on this issue. Republicans and Democrats have come together.

By the way, this has not happened very often on this bill. But this is a bipartisan bill with Republicans and Democrats pulling their oars together to try to get this done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, before the Senator from North Dakota lays down and before I speak on another issue, I wish to tell him I am going to speak in support of his amendment. But I would like to ask him a question now, if he will answer it for me—a friendly question, but it is something I don't know absolutely for sure, but I believe that pharmaceuticals are about the only thing a consumer in the United States cannot buy anywhere in the world that they want to buy. We ought to give them that same right we do on everything else. There may be some other items I am not aware of, but I think it is only pharmaceuticals that you cannot import from wherever you want to buy them.

Mr. DORGAN. Madam President, I say the Senator from Iowa, that and Cohiba cigars from Cuba, I reckon. We have a special embargo with respect to Cuba. With that exception, I don't think there is a legal product the American consumer cannot access anywhere else in the world.

This is about giving the American consumer the freedom that the global economy should offer everybody. The big shots got it. The big interests can do it. How about the American people having the opportunity to shop around the world for the same product and pay a fraction of the price of the charges that are imposed on them in the United States.

Mr. GRASSLEY. I thank the Senator from North Dakota.

I would like to talk about a recent news—

Ms. KLOBUCHAR. Madam President, we had a unanimous consent agreement. I am trying to figure out the order.

The PRESIDING OFFICER. Under the previous order, the next speaker is to be the Senator from Minnesota, followed by the Senator from Delaware. Ms. Klobuchar, do you wish to ask unanimous consent to speak now, if I may?

The PRESIDING OFFICER. Is there objection?
Mr. KAUFMAN. Will the Senator yield for a question? How long will the Senator be?

Mr. GRASSLEY. Fifteen minutes.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I believe our speeches are 10 minutes long. If the Senator from Iowa could wait for 10 minutes, then we will be able to complete our speeches, as recognized by the Chair.

Mr. GRASSLEY. I will let the Senators speak, and I will speak tomorrow because I have to go to a meeting. I will let the unanimous consent agreement stand.

Ms. KLOBUCHAR. I was not aware the Senator from Iowa had to leave. If he can keep it to 10 minutes, that would be helpful.

Mr. GRASSLEY. I cannot keep it to 10 minutes, and I cannot shorten it. So I will let the unanimous consent agreement stand.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Madam President, the Senator from Minnesota and I are going to engage in a colloquy.

We rise to talk about health care fraud enforcement. It is no secret fraud is one of the fastest growing crimes in America today.

In no small part, our current economic crisis is linked both to health care fraud, starting with unchecked mortgage fraud generated by loan originators through securities fraud that hastened the eventual market crash and maximized its impact on Main Street and the average American investor.

In response, this body passed the Fraud Enforcement and Recov-ery Act, which directed critical resources and tools to antifraud enforcement. I was proud to work on FERA with my friend from Minnesota, a former prosecutor, and it provides straightforward but critical improvements to the Federal sentencing guidelines, to health care fraud statutes, to forfeiture, money laundering, and obstruction statutes, all of which would strengthen offenders' ability to combat health care fraud.

As a former prosecutor, I can tell you that when we had these types of cases, we used every tool you could use to punish someone to the hilt, and you could use every tool you could use to make sure you got the maximum sentence so a message would be sent not just to that particular criminal but to other white collar offenders who thought this might be a quick way to make a buck. They need to hear they can be caught and they will go to jail.

I know Senator KAUFMAN has worked on this and is taking a lead, and perhaps he can provide the details on this amendment.

Mr. KAUFMAN. Sure. This amendment directs a significant increase in the Federal sentencing guidelines for large-scale health care fraud offenses. It is incredible that despite enormous losses in many health care fraud cases, analysis from the U.S. Sentencing Commission suggests that health care fraud offenders often receive—and I know this is hard to believe—shorter sentences than other, similar offenders in cases with similar loss amounts. For some reason, people think health care fraud is kind of okay.

Ms. KLOBUCHAR. What I like about the amendment is it will protect our increased national investment in the health of Americans. We have decided Americans should be covered by health care; that people shouldn't be thrown into the fire due to pre-existing conditions. The way we protect that investment, and the way we make sure the funds are there to help people, is by doing things such as increasing the tools we need to prosecute these kinds of cases.

These criminals scheme the system to rob the American taxpayers of money that should be used to provide health care to those who need it most. We must put a stop to this, and we are doing that with this amendment. It provides straightforward but critical improvements to the Federal sentencing guidelines, to health care fraud statutes, to forfeiture, money laundering, and obstruction statutes, all of which would strengthen offenders' ability to combat health care fraud.

In the midst of the debate concerning comprehensive health care reform, we must be proactive in combating health care fraud and abuse. Each year, criminals who commit health care fraud bilk the government $72 billion to $220 billion from private and public health care plans through fraud, increasing the costs of medical care and health insurance and undermining public trust in our health care system. Think of all the money wasted—$72 billion to $220 billion each year—drained by criminals, that could be going to our seniors, that could be going for care.

Let me give a couple of examples. Senator KAUFMAN, of the kinds of fraud we need to address. On June 23 of this year, eight individuals were indicted in Miami for cashing $30,000 to $80,000 several times a week at two check-cashing facilities they owned themselves. These crooks defrauded the U.S. health care system by creating a phony clinic that would submit bills in five States. They were not providing health care. They were phony clinics. Federal prosecutors announced this on Tuesday.

Some of the purported clinics were empty storefronts with handwritten signs while others existed only as post office boxes, but none provided any actual medical services, according to prosecutors. By the time they were caught, in this one incident, this group of con men had bilked the government of $100 million. That is $100 million at a time when our taxpayers are trying to save every dime, while they are holding on to their jobs and trying to pay their bills. This one group of con men—$100 million.

Here is another example. In November of 2007, the Department of Justice indicted a woman for billing Medicare for motorized wheelchairs that beneficiaries didn't need and for children's psychotherapy services not provided. According to the indictment, the woman then laundered the money through a Houston check-cashing business, cashing several Medicaid checks each for more than $10,000. Those are just examples of what we are dealing with.

Mr. KAUFMAN. I say to the Senator, those are sobering examples of the kinds of fraud we must stop. As we take steps to increase the number of American Medicare recipients and the amount of health care they are able to combat health care fraud.

The bill Senator KAUFMAN referred to, the Fraud Enforcement and Recovery Act, was passed in response to an unprecedented financial crisis. I would say the fact that this bill in the Senate Judiciary Committee along with Senator KAUFMAN.

But Americans should expect Congress to do more than simply react to crises after their most destructive im- pacts have already been felt. We are al- ways looking to the future, not just putting out the fire. That is not what we want to do. We owe it to our constitu- ents to be proactive, to seek out and to solve problems on the horizon so that financial disasters can be averted.

The Finance and HELP Committees, as well as leadership, have worked long and hard to find ways to fight fraud and bend the cost curve down, and they have done a great job. But there is more work to be done. That is why Senator KLOBUCHAR and I, along with Senators BONDURANT, KOBZEL, SCHUM- MEHR, and HARKIN, have introduced our health care fraud enforcement, No. 2792.
it, they are going to get real time for the crime. As a result, our amendment directs changes to the sentencing guidelines that, as a practical matter, amount to sentence increases of between 20 and 50 percent for health care fraud that results in the loss of $1 million or more.

Ms. KLOBUCHAR. The other thing that is great about this amendment is it updates the definition of "health care fraud offense" in the Federal criminal code so it includes violations of the anti-kickback statute, the Food and Drug and Cosmetic Act, and certain provisions of ERISA. These changes will allow the full array of law enforcement tools to be used against all health care fraud.

The amendment also provides the Department of Justice with subpoena authority for investigations conducted pursuant to the Civil Rights for Institutionalized Persons Act—also known as CRIPA. Under current law, the Department of Justice must rely upon the cooperation of the nursing homes, mental health institutions, facilities for persons with disabilities, and residential schools for children with disabilities that are the target of these CRIPA investigations. While such targets do not, and the current lack of subpoena authority puts vulnerable victims at needless risk.

Finally, in addition to the very important piece of this amendment that Senator KAUFMAN has pointed out, where we are actually increasing the ability to get better criminal penalties—the amendment corrects an apparent drafting error by providing that obstruction of criminal investigations involving administrative subpoenas under HIPAA—the Health Insurance Portability and Accountability Act of 1996—should be treated in the same manner as obstruction of criminal investigations involving administrative subpoenas under CRIPA.

Senator KAUFMAN and I also plan to file an additional health care fraud amendment that would require direct depositing of all payments made to providers under Medicare and Medicaid. This amendment is incredibly important because the Medicare regulations already require direct depositing or electronic transfer, but these regulations have not been uniformly enforced and criminals are taking advantage of this system.

As we consider and debate meaningful health care reform, we must ensure that criminals who engage in health care fraud—and more importantly those who contemplate doing so—understand that they face swift prosecution and substantial punishment.

When the time comes, Senator KLOBUCHAR and I, along with our fellow cosponsors, will urge our colleagues to support these amendments. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFGHANISTAN STRATEGY

Mr. KAUFMAN. Madam President, I rise today to speak about the Afghanist strategy President Obama announced last week. The dilemma facing the President and our national security team in Afghanistan is one of the most complex and difficult I have seen in more than three decades of public service.

President Obama’s speech laid out a bold plan, and he has been both deliberative and courageous in his approach. At the same time, I share the concerns of many Americans about the challenges that lie ahead for our troops. Sending young men and women into harms way is the most difficult choices we must face. Each life lost is one too many.

The decision in Afghanistan is especially difficult because four primary questions remain. The first question is do we have a trusted and effective partner in President Karzai? No matter how many troops we deploy, we cannot succeed with an Afghan government plagued by corruption.

The second question is to what length is Pakistan willing to go to help? We cannot defeat al-Qaida and degrade the Taliban without Pakistan’s support.

The third question is can we accelerate the training of Afghan National Security Forces? Today, there are too few Afghan security forces to clear and hold against the Taliban, and they are not capable of taking over from U.S. troops. And in light of the President’s 18-month deadline, it is clear that self-sufficiency for the Afghans is not optional; it is mandatory. Secretary Clinton’s Senate Foreign Relations hearing that July 2011 is a firm deadline. In 18 months, we will begin our withdrawal and we will not send additional troops after that time. This was reiterated by Secretary Clinton and Chairman of the Joint Chiefs Mullen.

The fourth question is do we have enough qualified U.S. civilians in Afghanistan to partner with the Afghan people in promoting governance and economic development? We must send even more and ensure that the “civilian surge” extends to all 34 provinces, so they can partner with Afghans in the field.

I visited Afghanistan in April and September and had the opportunity to speak with our military and civilian leaders, President Karzai, and numerous Afghan ministers. I traveled to Helmand and Kandahar Provinces, and met with local government officials and tribal elders at a “shura,” or community council. I was told that many in the Afghan people was frustrated with their government’s inability to provide security, administer justice, and deliver basic services. They welcomed the international assistance in the short-term to support improved security and governance. Most importantly, they wanted control transferred to Afghan security forces once they were capable of holding against the Taliban themselves.

Since returning from Afghanistan, my No. 1 concern has been the ability of the Karzai government to be an effective and trusted partner. In his second term, President Karzai must eliminate corruption, strengthen rule of law, and deliver essential services in order to win the trust of the Afghan people. Ultimately, the battle is not between the U.S. and the Taliban. It is a struggle between the Afghan government and the Taliban, and the fight must be won by the Afghans themselves. The notion of a corrupt government has emboldened the Taliban and further undermined trust between President Karzai and his people. President Karzai must translate promises in his inauguration address into implementation, because increased government transparency and accountability is absolutely critical.

For me, the key point in President Obama’s speech was that our military commitment is not open-ended. In July 2011, we will begin our troop drawdown. This has created an 18-month deadline for progress, injecting a sense of urgency to our mission that has been missing for the past 8 years. It sends a signal to the Taliban that the clock is ticking for the Afghan government to deal with corruption. They will no longer get a “blank check” because the time for action is now. On the security front, the
Afghan National Army and Police have no choice but to assume greater responsibility given the certainty of a U.S. withdrawal.

As President Obama outlined, Pakistan is central to this fight. We cannot succeed without Pakistan’s cooperation because developments in the region are inextricably tied to both sides of the border. After my April visit, I was concerned about the Pakistani commitment. When I returned in September, however, I was pleased by the Pakistani military’s decision to go after elements of the Taliban in the Swat Valley and South Waziristan. At the same time, Pakistan must take action against the Afghan Taliban and al-Qaeda, which continue to find safe haven in Pakistani tribal areas. If extremists continue to operate freely between Afghanistan and Pakistan, it will undermine security gains made on the Afghan side of the border. And the stakes are even higher in Pakistan, which has both nuclear weapons and delivery vehicles.

In Afghanistan, we must break the momentum of the Taliban by improving security and strengthening our ability to partner with the Afghans. That requires our efforts to accelerate the training of Afghan National Security Forces, ANSF. I am concerned that the President’s goal of increasing the Afghan Army to 134,000 in 2010 does not go far enough in building the capability of the police, which has faced even greater challenges in terms of corruption, incompetence, and attrition.

Finally, our success in Afghanistan depends on more than troops—we need an integrated civilian-military strategy in order to sustain progress. Many dedicated U.S. civilians continue to serve in Afghanistan, and we must further augment these numbers and ensure they can directly interact with Afghans in the field. Given their role as a force multiplier for the military and international nongovernmental organizations, NGOs, this is an area where we must channel even more resources and people in the near term. We need a stronger civilian capacity, because countering the kind of terrorism that is present in Afghanistan cannot and should not be conducted with the military alone.

Over the coming months, I will closely monitor our progress in Afghan governance, partnering with Pakistan, building the Afghan National Security Forces, and increasing the U.S. civilian surge. Improvements in these areas are critical to our overall success in Afghanistan, and will determine when our brave men and women in uniform can come home.

I yield the floor.

Mr. SESSIONS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. The Senator from Alabama. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I see my good friends Senators KAUPENJOY and KLOBUCHAR, had talked about actions we could take to deal with fraud in health care. I support that. I had the opportunity in the past, as U.S. attorney, to lead a group that would do that. But something is troubling me today a great deal. I am uneasy about it. It goes to the heart of how the legislation that is before us today has been put together.

Earlier today we had Senator MCCAIN offering an amendment to say that every State should have the same policies with regard to Medicare Advantage that the State of Florida will under this bill. Presumably, that was an effort to gain some support. We have seen other situations such as that where with Liberals other places getting special advantages.

Let me tell you about something that is particularly troubling to me. It was written about by Robert Reich, who was Secretary of Labor in President Clinton’s Cabinet. He is a prolific writer about economic and health care matters. He starts his Sunday August 9 article this way on his blog. It says:

I’m a strong supporter of universal health insurance—

He is not pulling any punches there. He believes in a single-payer government policy. Then he goes on to say—

and a fan of the Obama administration. But I am appalled by the deal the White House has made with the pharmaceutical industry’s lobbying arm to buy their support. That is pretty serious charge. He goes on to say:

Last week, after being reported in the Los Angeles Times, the White House confirmed it had promised Big Pharma that any healthcare legislation will bar the Government from using its huge purchasing power to negotiate lower drug prices. That’s basically the same deal George W. Bush struck in getting the Medicare drug benefit, and it’s proven a bonanza for the drug industry.

I will say, as I recall, that Mr. Reich was a critic of that at the time. Right or wrong, it was done and he was a critic of it. I give him credit for it. He said a continuation of that would be an even larger bonanza. He goes on to describe why he thinks it is a bonanza.

Right or wrong, as a matter of policy and so forth, it is no doubt that is something Big Pharma would like. He goes on to say:

In return, Big Pharma isn’t just supporting universal health care. It’s also spending lots of money on TV advertising in support.

I wish to tell you that is not good. That is beyond the pale. If things such as this have been done in the past, it is something of this kind of thing that we need to get this done. I think it is a big deal.

The New York Times has reported, as they go forward:

Shortly after striking that agreement, the trade group—the Pharmaceutical Research Manufacturers of America—also set aside $150 million for advertising to support health care legislation.

I am quoting a New York Times article by Duffy Wilson.

But an industry official involved in the discussions said the group and its advertising money would now be aimed specifically at the approach being pushed by Mr. Baucus, Democrat of Montana and chairman of the Senate Finance Committee.

Is that the way this thing is being done? I hope not. I will examine these circumstances in more detail, but I would like to say, right now and today, that I am not happy about it. I don’t like the looks of it, it doesn’t smell good to me. It doesn’t look as if anything that is legitimate, and I think maybe we need to find out more about it, frankly.

I wish to share with my colleagues a fundamental concern I have with this health care bill. Supporters of the bill have made a great deal of promises. They alleged it would do a lot of very great sounding things, and we were asked to support it on the basis of their promises. But a careful examination of the legislation shows it fails to deliver on almost all the promises it made and is likely to cause a great deal of adverse, unanticipated consequences. As a result, I think the American people have intuitively understood this; that is, why they are so strongly opposed to it. They cannot imagine why the leadership of this Senate continues to try to push down on their bill this piece of legislation that does not do what it promised to do.

For example, the sponsors of the legislation say the bill’s total cost is $848 billion. However, it does not begin the benefits of the bill until 5 years after enactment and that $848 billion is the cost of expenditures over 10 years. So
When you move forward to when the benefits actually start for those who will be receiving them and go 10 years from that point, the total costs are not $848 billion, they are $2.5 trillion. That is a huge difference. It is a monumen
tal difference. It is a difference so large that, with a straight face, try to contend that we have a sound budget-minded bill that is going to cost $848 billion, and we have tax increases of about half of that, and raids on Medicare for about half of that, and that we are going to pay for it. It is not working in that way, in my view.

Another promise for the bill that was made by the President in the joint ses
sion to the Congress, he said this: This bill will not add one dime to the defi
cit.

That is just not accurate. You can make anything deficit neutral if you pay for it by slashing Medicare and taking the money from Medicare to pay for it. You can make a bill be deficit neutral if you raise enough taxes. So they are raising $494 billion in taxes. They are cutting Medicare by $465 billion. That is the plan.

They claim they have a $130 billion surplus just about all the money the bill is supposed to fix, and that the deficit is going to be cut. We have created a bill that is going to reduce the deficit. That is what they have said repeatedly.

But they forgot something. They forgot that we have to pay our physicians. That was always supposed to be done as part of health care reform. In fact, the physician groups were told they were going to be paid. But under this bill, to show you how it has been done—this has been done before, Republicans have participated in this in the past, and it has been something that has been going on for a decade, but it is really relevant today, particularly in this legis
ilation because this legislation was supposed to fix this problem—they keep the physician rates slightly above last year’s rate for 1 year. Then for 9 years in the 10-year budget, they as
sume that doctor payments, physician reimbursements are going to be cut 23 percent. That is unthinkable.

We are not going to cut physicians 23 percent. We can’t cut the physicians at all because they are already wondering whether they will continue to take Medicare patients and, even more so, Medicaid patients, where they get paid less.

We could have a mass walkout of physicians who couldn’t afford to see seniors if we were to cut their pay by 23 percent. In fact, we are not going to do that. We all know this. So what did they do? I know they were meeting down in the hallways somewhere, and they were plotting out this bill. They said: The President said it will not add to the debt. What are we going to do? The numbers don’t add up. We can’t raise taxes any more. We can’t cut Medicare. We have done all we can do. What are we going to do?

So what they obviously decided was to take the physician pay portion of the bill out, that one that would have fixed this aberrational law we have that requires it to be cut 23 percent, and so they put it in a separate bill. Every penny of this separate bill would be paid for by increased debt, so not really paid for at all. They offered that bill up to the floor, and it got voted down because Republicans all voted against it as being utterly fis
cally irresponsible. Enough Democrats joined in to kill the bill. They wouldn’t support it either. A number of Demo

Another fiction was their promise that they would fix the physician pay

But if you put the doctor fix in, you are increasing the costs of the bill by $250 billion, so the $130 billion surplus is reduced to a $120 billion deficit. So it does add to the deficit. It adds more than one dime to the debt; it adds $120 billion to the debt.

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Mr. GRASSLEY. In Medicare. Mr. SESSIONS. Medicare. Excuse me.

I am going to yield the floor to Senator GRASSLEY. I say to the Senator, I appreciate your leadership and insight into this issue. I value your whole approach to it. I think most Americans—if they understood this information as the Senator for the one-sixth of the American economy. It does not do what it sets out to do. It does not meet its promises, and as a result, we absolutely should not go down this road to a major Federal takeover of health care, with ramifications that go far beyond what it might appear today.

I thank the Senator from Iowa.

Mr. GRASSLEY. Mr. President, I had a chance to hear a great deal of what the Senator from Alabama said. I think I would highlight that what he said is what he is hearing from the grassroots of his State, which is very much what I hear from the grassroots of my State: people are very concerned about this piece of legislation leading to the nationalization, similar to what they have seen this administration previously do this year with the nationalization of General Motors, partial nationalization of the financial system—a big deficit. And then they see the money being spent on this bill—$2.5 trillion after it gets fully implemented. And where are you going to get money? And what is that going to do to the economy? And, more importantly, what sort of a legacy is that leaving to our children and grandchildren?

He also correctly stated that I do visit every county every year. The number of counties the Senator had was just a little bit high. We only have 99 counties. But for the 25 years I have been in the U.S. Senate, I have held town meetings in each one of our counties every year. So I do have the benefit of 2,671 town meetings as a basis for suggesting what people tell me face to face, the large number of phone calls we get.

You cannot believe the number of phone calls that are coming in now, the number of e-mails we are getting—historically high. I have never had that before on any issue. I assume it is the same for the State of Alabama, contacting their two Senators as well.

Mr. President, I rise to bring up an issue that is a relatively new issue in the recent negotiations that are going on around Capitol Hill on the issue of health care reform. These secret negotiations actually started about October 2 when Senator Reid, the leader, had to merge the out of the Finance Committee and the bill out of the Senate HELP Committee into one bill. It took a long period of time to do that.

We are in the second week of debate. I hope people realize that 99 Senators ought to have the same privilege that 1 Senator had of getting a grasp of this huge 2,074-page bill. There are still negotiations going on because the leader still does not have locked down the 60 votes that it is going to take to get to finality.

So some of these discussions are: what can we do to get a few votes if we do not have a so-called public option? And the latest of that is: Well, allow people to buy into Medicare. So I want to speak about that issue because it sounds pretty simple. It may get 4 more votes and may get 60 votes, but it is bad. It may be good politically, but it is bad for Medicare and particularly for Medicare in rural areas where we have a difficult time keeping hospitals open, and we have a difficult time recruiting doctors in rural America.

So I would talk about the recent news reports of a proposal being concocted behind closed doors to allow 55- to 64-year-olds to buy into the Medicare Program. Supposedly, this idea has been put on the table to get the votes for supporting a brand new government-run health plan and the people who do not like that.

Back in the spring, such a proposal came up during the early stages of our Finance Committee’s health care reform efforts. The idea was originally proposed by President Clinton even going back to 1998. I opposed such a proposal back then, and I oppose such a proposal now. I oppose the proposal because of its negative effect on the Medicare Program and our senior citizens who use Medicare.

The best way to describe the effect of this proposal on the Medicare Program and its beneficiaries is to quote former Senator Phil Gramm of Texas when he was asked about President Clinton’s proposal when President Clinton put that proposal on the table back in 1998. Senator Gramm said this about President Clinton’s proposal, which would be applicable today as our colleagues are studying it:

If your mother is on the Titanic, and the Titanic is sinking, and you want to leave Earth you want to be preoccupied with is getting more passengers on the Titanic.

Since its inception in 1965, the Medicare Program has helped ensure senior...
access to health care. But, as the Senator from Alabama and I were just discussing, the problems with health care and Medicare are such that Medicare is already under extreme financial pressure. So why would you load more people into a system that Senator Gramm of Texas was referring to as the Titanic? You would not load more people on it as it was going to sink.

This is not to say that this entitlement program, Medicare, is not in need of improvement, but having the 36 million people who are age 55 to 61 buy into the program is not an improvement. Even groups supporting the Reid bill, such as the AARP, are pointing out the severe shortcomings of such an approach.

Last summer, the AARP Public Policy Institute published an analysis of the Medicare buy-in concept. In their report, the AARP points out the potential for increased Federal entitlement spending. AARP said:

Expanding the program to more people could make the Federal government even if their care is made affordable through subsidies that would be funded by the existing Medicare trust funds.

And do not forget the effects of adverse selection—buy-ins from a Medicare buy-in program. Here AARP has studied it, and this is what they say about that:

...the premium may be too uncompetitive for those who don’t use much health care and too expensive for those with high incomes. This may limit buy-in enrollment and drive up cost further.

So this means that this buy-in proposal is likely unsustainable. And we all know what happens when the government creates an unsustainable new program. What happens? The taxpayers end up on the hook for bailing it out down the road sometime.

We all know the Medicare Program has $37 trillion in unfunded obligations. We all know about the pending insolvency of the Medicare Program. The trustees say so every spring.

The Medicare hospital insurance trust fund started going broke last year. In 2008, the Medicare Program began spending more out of this trust fund than was coming in through the payroll tax. The Medicare trustees say so every spring. The American Medical Association has also opposed this proposal. These groups recognize the potential for financial disaster by boosting the number of people with coverage that pays well below cost.

This Medicare buy-in proposal would also jeopardize retiree benefits. Going back to the same AARP analysis that I have quoted, they concluded that a Medicare buy-in program could further reduce employer-sponsored health benefits.

According to the AARP:

...a buy-in program might displace retiree coverage now available through [their] employers.

Still quoting AARP, they said:

As health care costs tend to rise with age, employers might have the incentive to find ways to avoid offering private coverage for early retirees. . . .

So with fewer patients with higher paying private coverage, there is less opportunity for providers to cost-shift to make up for low Medicare payments. Because even though the Federal Government does not pay 100 percent of costs. This would make it even harder for providers to treat Medicare beneficiaries, and as a result, beneficiaries would have an even harder time finding a provider to treat them.

I come from a rural State where Medicare reimbursement is already lower than almost every other State in the Nation, so I have serious concerns about the ability of the providers to keep their doors open if more and more of their reimbursement is coming from Medicare. I know this is a concern that is shared by rural State Members of this body from both sides of the aisle. In fact, Medicare beneficiaries would only be the beginning of access problems caused by a Medicare buy-in program. Because if you think it would be tough to keep existing Medicare providers, think how hard it would be then to recruit new ones.

Provider recruitment is already a major problem in rural States, particularly my State of Iowa. This issue comes up during my meetings with constituents in Washington or during the townhall meetings I hold in each of Iowa’s 99 counties every year. It is already a challenge under the current Medicare Program for Iowa to attract and keep good providers in the areas where Medicare reimbursement is higher.

I hear countless stories from constituents where they make great efforts to recruit doctors only to lose them to areas where Medicare reimbursement is higher. The Medicare buy-in will only make this situation worse in Iowa, because more and more reimbursement would come from Medicare. So the current and future Medicare beneficiaries would be assured of limited access to providers because of this buy-in.

AARP pointed out another flaw in this buy-in proposal. In their analysis, AARP warned that there are large cost-sharing requirements in Medicare, so any enrollees would still be exposed to significant cost sharing. Maybe these buy-in enrollees would have the resources to purchase supplemental Medicare policies to defray these cost-sharing requirements. Perhaps on the flip side, AARP is thinking of making even more money by selling supplemental policies to these retirees.

I share the goal of getting more Americans covered, but expanding the Medicare Program to early retirees is not the answer. Medicare beneficiary families have paid in to this program all these years and rightfully have the expectation to receive the benefits to which they are entitled under the program. The Medicare buy-in proposal would jeopardize these benefits. It would jeopardize existing retiree benefits. It would leave retirees exposed to significant cost sharing. It would be unsustainable and taxpayers would end up footing the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, thank you very much. I rise tonight to continue the discussion and debate on health care. I had the chance over the last couple of months not only to do a good bit of work on a number of issues that relate to the bill and the two bills that came before and were merged into one bill, but also to hear from constituents across Pennsylvania of them that are writing to us and urging us to pass a bill and some are urging us to go in the other direction. But the communications I get from people who write about their own stories, their own families, their own challenges are, of course, the most compelling and the most worthy of time and attention.

Often they come from Pennsylvania families who are not only facing health care challenges but facing economic challenges that I don’t think anyone in this Chamber can fully understand, at least not at this point in someone’s life. Because when you become a Member of Congress, you are usually in...
pretty good shape. You may not have a lot of wealth, but you at least have a job to go to every day, you have a lot of people helping you, and you have health care. That is not something that can be said for tens of millions of Americans.

This legislation is the culmination of a lot of debate and discussion and analysis and study over many decades now. It is nice that we have been talking for years and years about preventing a pre-existing condition from barring or somehow putting one’s coverage or treatment. It is nice to talk about it, but it is a lot better when we do something about it. It is nice we have talked about limiting out-of-pocket costs for families who are trying to take care of their children, trying to care of themselves, but it is a lot better to do it, to enact it into law.

This bill makes it illegal to use pre-existing conditions to deny someone coverage. This bill makes it illegal for insurance companies to put a lifetime cap on services, or an annual cap. This bill makes it illegal to discriminate so that no longer, if we do what we must do and get this bill passed, can an insurance company discriminate against a woman, who do all the time, now, just as they prevent people from getting coverage due to a pre-existing condition. We have an opportunity to change the way we provide health care in ways we haven’t been able to imagine, into law.

One issue that has motivated me throughout this whole debate is what happens to our children at the end of the debate, at the end the legislative line, so to speak. Will children in America—and I am speaking about poor children and those with special needs because they are the ones who need help. If you are in a wealthy family, you will figure it out, and your family will figure it out. If you happen to be a poor family or a child who has special needs, will you be better off at the end of this debate or will you be worse off.

As it relates to poor children and children with special needs, the goal here has to be no child worse off. It is very simple. It is a very simple test. That is what we have been working on. I believe this bill that is on the floor right now is a dramatic improvement in the lives of so many families. I still think more work needs to be done, it relates to children, but there is no question that the bill we are debating will make children a priority in ways we haven’t been able to do in any kind of other legislation, other than the children’s health insurance legislation that Congress enacted going back no more than a decade ago and that we reauthorized this past year.

I wish to speak about two families tonight. This isn’t a discussion about theory or about the nuances of a policy. This is about real people and what has happened to them under our existing system. I wish to put up the first chart. This chart depicts one family, the Ritter family in Manheim, PA. I spoke with them several days ago and I spoke with these two young girls. One daughter’s name is Hannah—one twin, I should say, is Hannah and her sister—after I spoke on the floor I called their mother and we talked on the floor and I said to her, I think I referred to one of your daughters as Madeline, and that is incorrect, it is Madeline. So I want Madeline to know I correctly pronounced her name my second time around. It is the cause of a story I read to my daughters when they were kids all the time. But there was a story about Madeline, and a lot of parents know that story. So I apologize to Stacie Ritter.

But here is the story that Stacie Ritter has told me through this communication, but has told a lot of other people, and now we try to tell her story on the Senate floor to give meaning to what we are talking about here. But this isn’t a policy discussion about health care; this is about what happens to real families when we don’t get the policy right, when we talk and talk year after year, decade after decade, and talk about good intentions, but never get it done, never get a bill passed. This is what happens to people. Stacie Ritter had to declare bankruptcy after her twins were diagnosed with leukemia at the age of 4. My wife Teresa and I have four daughters, and thank goodness we are all healthy. Two of them in college, one is in high school, and one is in seventh grade. We have never had to face that kind of diagnosis, thank goodness.

Thank God I have never had to face that, nor has my wife Teresa had to face that as a parent. But if we did, we would have been given some protection and so would our daughters if we faced that horrific diagnosis, because when I was working as a lawyer or when I was a public official, I had health care. That is not the case now. Some time ago, a decade in State government health care, because I was a State employee, I had a tremendous health care plan, a kind of public option, a good public health care plan. So I never had to worry about that as a parent nor did my wife if something horrific were diagnosed.

These two little girls pictured here—and you can see even though because of that diagnosis they are facing the kind of care we only dream about, let alone endure—I hope I could, but I am not sure I could if I were in their place. But you can see that even though it is obvious they are facing a real challenge with regard to leukemia, they are very hopeful, aren’t they, in that picture. They have their arms around each other. They have these stethoscopes and they are dressed up like two doctors. So even in the midst of the horror of that kind of a diagnosis, you have these brave little girls, who aren’t just looking forward, but not just worried about their one situation but looking forward with hope and optimism.

Here is a picture down here taken last year in Washington, DC, then at the age of 11. Here is what their mother said:

Without meaningful health reform my girls will be unable to afford care, that is if they are even eligible for care, that is critically necessary to maintain this chronic condition.

Furnished and rejected because they had the misfortune of developing cancer as a child.

What is the particular problem here with this case? The obvious problem is that these young girls were diagnosed with leukemia. That is bad enough. They have a system that makes their life a lot worse than the leukemia, because we had a system that said—basically what the system said to them is: We can help you and maybe cure you, but we are going to put limits on it. We are going to say that it is nice to have all of this technology and all of this great medical knowledge and great doctors and hospitals across America and we do. We are the envy of the world on some of this stuff: the doctors and nurses and specialists and professionals, and the hospitals and the technology and the know-how. We are the envy of the world. We should acknowledge that. But then we have this ridiculous system that says to these two little girls: But the care we want to give you and the results we can get from that care are going to be limited. So we hope it works out for you.

That is ridiculous. It is an abomination. I don’t understand why we have gone year after year and settled for this. Why do we have limits on the kind of care people get? Because insurance companies thought that was a good idea. I don’t know why. I don’t know whether it is for their bottom line or for whatever reason, but there is no excuse—no rational or good reason to someone: We can cure you, but we are going to limit your care.

You are in real trouble, and we know how to help you. But we are going to limit it. Here is what Stacie said about her kids:

When my identical twins were both diagnosed with [this leukemia], . . . at the age of four, we were told they would need a bone marrow transplant in order to survive. That’s when I learned that the insurance company thought my daughters were only worth $1 million each.

I don’t know a parent in America who loses their jobs year after year and settled for this case, two daughters, her twins—is worth any amount of money or their care is worth any amount of money. Why does the insurance company do it? We hear they say that is policy, and then they get pressure from a TV station or news organization and they give the care.

If the policy makes sense, why would public pressure change a policy? The policy is ridiculous and insulting. It should be changed. It is one of those things you do not get rid of, but this bill does that. We should make it illegal for an insurance company to do that to children. But it doesn’t make
lot of sense unless you talk about it in terms of a real story.

Here is what Stacie Ritter said after she talked about the limit—very flatly, she said two words about whether a $1 million is enough to care for two daughters with leukemia over many years.

‘It’s not! When you add up the costs involved in caring for a patient with a life-threatening disease like cancer, $1 million barely passes the test.

We have lots of stories like this.

Fortunately, the hospital social worker recommended we apply for secondary insurance through the State considering the high probability chance we would hit the cap in another way. No, the insurance company didn’t help them. It was the State program in this case—the kind of public option that helped these kids. That part of the story has somewhat of a positive outcome. These kids are only 11. When they were 4 and 5, they didn’t have that kind of an option.

This story gets worse. This is what Stacie says:

During this time, my husband had to take family medical leave so we could turn our savings caring for our one-year-old son and our twins at the hospital.

For the 7 months my husband was out on family medical leave, he was able to maintain his employer-based insurance for us via a $717.18 a month COBRA payment.

Let me get this straight. We are now talking about COBRA—the extension of insurance coverage for people who are hurting, laid off or unemployed. That is another government initiative enacted by Congress. I am sure there were some folks who thought let’s not use government to extend health insurance. But in this case, it was helpful to this family. But it wasn’t enough.

Here is what Stacie says, as she keeps going:

After spending all our savings to pay the mortgage and other basic living expenses, we had to use credit cards.

We have a health care system that forced Stacie Ritter, and lots of other families in America, to rely upon credit cards so they could get the health care for their daughters who have leukemia and make ends meet so they could pay the mortgage and all the other things they had to pay for for themselves and their daughters and their son. That is what this health care system has forced them to do.

This isn’t unambiguous. This is exactly the worst part of our health care system. This last sentence might be the most poignant. She mentions they filed bankruptcy:

And when you file bankruptcy, everything must be disclosed. We even had to hand over the kids’ savings accounts that their great grandparents had given them when they were born.

That is another problem with this messed up system we have. It forced this family not only to worry about whether their daughters were going to be taken care of with leukemia, it not only said they probably had to declare bankruptcy to take care of themselves and get the care they needed, but in the course of the bankruptcy proceedings, they had to turn over savings accounts.

I don’t care if it was $1 or $1,000 or a much higher amount. I don’t care what the amount was. We should never allow a system to force two little girls with leukemia to turn over their savings accounts that their great grandparents started for them. That is how bad the system is.

I will spend lots of time complimenting doctors, hospitals, and nurses. We have a lot of good things. We have good technology. OK, I am acknowledging all that. But this system is messed up when we have this happen to one family. It is one family or 1 million, but we know there are lots of them out there who face similar circumstances.

Some people might say you are talking about the family and all these problems. Will it happen to you? It is quite possible. It happens the first provision in the bill—go by the table of contents and go to page 16. The first provision of the bill talks about not having limits on lifetime coverage. If that were in effect when Stacie Ritter and her husband got the diagnosis for their daughters—if that was in effect, the following would have happened, and this is irrefutable: No. 1, they were not upset, and as worried as they were about their daughters, they would have had the peace of mind to know they didn’t have to worry about it costing too much to get them care. They would not have had to worry about this causing bankruptcy. So at least we would have given them some peace of mind and some security. Then on top of that, we would have given them the kind of care they needed, including the follow-up care.

When some people say we need to debate a little longer, 3 months or 6 months more, or let’s talk about it for a couple more years—we have talked this issue to death for years. We know exactly what is wrong. This is what is wrong. That story alone is reason to pass the bill. There are a lot of other reasons, a lot of other tragedies that are preventable if we do the right thing.

We have a bill that we are going to pass, and the first provision speaks to this family’s challenge.

Let me read one more letter and I will stop. I know I am over my time. We have heard a lot of discussion in the last couple of days about people whose personal tragedies bring all of us to our senses as we get lost in the politics. I received a letter this fall that I think sums it up in a way that both Hannah’s and Madeline’s story does as well. This is a letter that I received from a woman in Havertown, PA, suburban Philadelphia. She said:

On September 9, 2009, my sister-in-law’s cousin had to take her three-week-old son off of life support. He took too shallow breaths and passed away peacefully. He did not have to die, he did not have to be on life support, he did not even have to be in the neonatal intensive care unit NICU.

For 36 weeks gestation, his mother was told that she had Placenta-previa, but the insurance company and the doctor were at a tug of war getting it covered.

This is America. Should a doctor have to be in any tug of war about whether this mother, who is pregnant, will be covered? That should not even be a discussion. There should not have to be any discussion about that. But this is how insurance works.

As at 39 weeks, Brandon’s umbilical cord ruptured. His mother Karen was rushed to the hospital and Brandon was taken to Jefferson hospital in Philadelphia to undergo brain cooling treatment to return brain activity. It was too late. After minimal return of brain activity, it was decided after 3 weeks to take Brandon off life support.

She concludes with this haunting sentence, this haunting reminder of how bad a case this is:

Who saved money here? Was it worth a child’s life to save a few dollars? And I am sure 3 weeks of life support costs more than a C-section.

That is the end of her letter. So anybody who says that we have to make a couple little changes on the margins, but we have a great system that is not in need of major reform—I need only point to these two examples. That is all the information I need.

Unfortunately, we have thousands—hundreds of thousands of stories—literally millions of people who are denied coverage because of a preexisting condition. Sometimes because a woman has been a victim of domestic violence, that has been used as a preexisting condition in terms of whether she gets health care. So we have a messed up system.

When we allow these tragedies to happen day after day, year after year, and we have people in Washington saying: We just could not get it done, we have to debate a little longer—we have to get a bill passed. We are going to do that in the next couple of weeks. We will take whatever steps are necessary to get this legislation passed, because we cannot say to this woman who wrote to me from Havertown, PA, nor can we say to these two girls and their parents—we can’t walk up to Hannah and Madeline and other kids like them in the emergency room to get to have this legislation passed to get that lifetime limit matter done, but it got a little contentious.

We have to get it done, and we will get it done because we are summoned by a lot of things. But I think we are summoned by our conscience to get this done and make sure we can do everything possible—no system is perfect—to prevent these tragedies.
I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, let me begin by thanking Senator CASEY for his comprehensive efforts in fighting to make sure that every American has good-quality, cost-effective health care. He has been a leader and I congratulate him.

Mr. President, I wish to touch on some health care issues that are out there and tell you what I think is positive in the bill we are dealing with in the Senate and tell you what I think is not so positive.

To begin with, as Senator CASEY has aptly described, we have a system which, in many ways, is disintegrating. It is an international embarrassment that in the United States of America, we remain the only Nation in the industrialized world that does not guarantee health care to all its people as a right. The result of that is, some 46 million Americans today have no health insurance. Even more are underinsured, with large copayments and deductibles.

We have some 60 million Americans today who, because of our very poor primary health care outreach network, do not have access to a doctor on a regular basis. The result of that is, as incredible as it may sound, according to a recent study at Harvard University, some 45,000 people die every single year because they do not get to a doctor when they should. As a result, by the time they walk into a doctor’s office, their illness is terminal. In addition to that, God only knows how many people end up in a hospital, at great expense to the system, because they did not get care when they should have.

Meanwhile, as Senator CASEY indicated, bankruptcy is an enormous problem because of our health care system. Close to 1 million Americans this year will be going bankrupt because of medically related bills. Furthermore, when you consider that $1 out of every $5 spent in America, all of us understand that small businesses, medium-sized businesses are plowing an enormous amount of money into health care for their workers rather than reinvesting that money and expanding their operations and creating the kind of jobs we need as a nation in the midst of our very deep recession.

We have a major problem. At the end of this year, some 46 million people are uninsured, underinsured, so many people dying because they do not get health care when they need it, so many people going bankrupt, we end up spending almost twice as much per capita on health care as any other nation.

It is clear to me and I think it is clear to the vast majority of the American people that we need real health care reform. What real health care reform means is, at least, having two things. No. 1, providing coverage to all Americans as a right of citizenship and, No. 2, doing that in the most cost-effective way we possibly can.

To my mind, quite frankly, there is only one way that I know of that we can provide universal, cost-effective, and comprehensive health care for all our people, and that is a Medicare-for-all, single-payer system. Very briefly, is that if we make some tough choices—about $400 billion every single year on administrative costs, on profiteering, on advertising, on billing—all in the name of profits for the private insurance companies that have thousands upon thousands of plans out there, creating an enormously complicated and burdensome system. With each one of their thousands of plans, if you are young and do not get sick and are healthy, they have a plan for you. If you are older and you get sick, they have another plan for you. There are 1,300 private insurance companies with thousands and thousands of plans, and to administer all of these costs hundreds and hundreds of billions of dollars.

That is money not going into doctors—we have a huge crisis in primary health care physicians—not money going into dentists. Many areas, including Vermont, have a serious dental shortage problem because they are not going to nurses. We have a nursing shortage. This is money going into bureaucracy, profiteering, and salaries for the CEOs of insurance companies. It is going into inflated prices for prescription drugs and drugs. As a nation, we pay the highest prices in the world for prescription drugs.

To my mind, as a nation, what we have to finally deal with is that so long as we have a separate private insurance system, each designed to make as much money as possible, we are not going to get a handle on the cost of health care in America.

In the bill we are now talking about in the Senate, we have to be clear that the projections, according to the CBO, are that, everything being equal, over a 10-year period, the cost of health care for most Americans is going to continue to soar. That is the reality. This is bad for both individuals, not only for businesses, this is bad for our international competitive capabilities because we are starting off from the position that today we spend much more than any other country. Guess what? While this bill does a number of very good things, it is not strong on cost containment.

If we are going to try to improve cost containment—and I wonder how much the American people believe that we have a disaster in primary health care without being a Medicare-for-all, single-payer system—at the very least, we need a strong public option. We need that for two reasons. First of all, there is health care as any other nation.

Most Americans understand that the function of a private health insurance company is not to provide health care; the function is to make as much money as possible. People do not trust private health insurance companies, and they are right in terms of their perceptions.

People are entitled to a choice. If you want to stay with your private health insurance company, great, you can do it. But as many people as possible in this country should be able to say: You know what, I am not comfortable with a private insurance company. I would rather have a Medicare-for-all, single-payer system.

Poll after poll suggests that the American people want that public option. That is point No. 1, freedom of choice. People should have that choice. If they do not want it, that is fine.

Poll after poll suggests that it may be even more important, if we are going to get a handle on exploding health care costs, somebody is going to have to rein in the private insurance companies whose only function in life is to make as much money as they possibly can. We need a nonprofit, government-run public plan to do that. If we do not have that in this bill, I am not sure how we are going to get any handle on cost containment.

I will fight to make sure we have as strong a public option as we possibly can. As I have said publicly many times, my vote for this legislation is not at all certain. I have a lot of problems with this bill. We have to have at least, among other things, a strong public option.

Let me tell my colleagues something else I think we have to address in this bill. As I mentioned a moment ago, we have a disaster in terms of primary health care in America. Some 60 million Americans are too difficult to get to a doctor on a regular basis, and that is dumb in terms of the health and well-being of our people. It is also dumb in terms of trying to control health care costs.

If somebody does not have a doctor they can go to when they get sick, where do they end up? They end up in the emergency room, and everybody knows the emergency room, by far, is the most expensive form of primary or secondary care. Yet as many people as possible in this country should be able to say: You know what? When this bill deters a number of very good things, it is not strong on cost containment.

As I mentioned the other day, there is a provision in this legislation in the Senate which authorizes a very significant expansion of federally qualified community health centers which, in a nonpartisan way, a bipartisan way is widely supported by, I suspect, almost everybody in the Senate and in the House as well.

These community health centers today allow 20 million people to access not only good, quality primary health care but dental care, which is a huge

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issue all over this country, mental health counseling, a very big issue, and low-cost prescription drugs.

The problem is, while the community health centers today do an excellent job, there are not enough of them. So in the House, they have grants to expand community health centers. If we as a Congress are talking about bringing 13, 14, 15 million more people into Medicaid, I am not quite sure how a struggling Medicaid Program is going to accommodate those people, unless we put the facilities and the medical personnel to treat them.

We need this. We need to expand primary health care. Community health centers are the most cost-effective way I know how to do that. There are studies that suggest providing that primary care, keeping people out of the emergency room, keeping them out of the hospital because they have gotten sicker than they should have gotten, we can, in fact, pay for these community health centers over a period of years by simply saving money.

In the Senate, we have very good language authorizing an expansion. In the House, they have similar language, except in the House they have a trust fund. So a trust fund is a way to do it, it is a way to find the money for this. I believe with a struggling middle class, with people desperately trying to hold onto their standard of living, the last thing the Senate wants to do is impose a tax on millions and millions of working people. But the House, unfortunately, is hard to get a halfway decent health care plan.

Let me briefly read from a fact sheet that came from the Communications Workers of America. CWA is one of the larger unions in the country. Similar to almost every union, they are strongly opposed to this excise tax on health care benefits. This is what they say. I read right from it. This is a document from the CWA:

The U.S. Senate will soon vote on legislation that would tax CWA-negotiated employer health plans. The tax will be passed directly onto working families. To avoid the tax, employers will try to significantly cut benefits for active workers and pre-Medicare retirees.

How the House Benefits Tax Works.

A 40 percent excise tax would be assessed on the value of health care plans exceeding $23,000 for a family and $8,500 for an individual starting in 2013. (Levels are higher for pre-Medicare retirees in high-risk industry plans—$26,000 and $9,850.)

And here is an important point. Because while people may not have to pay this tax in a couple of years, with health care costs soaring, they will have to pay this tax in the reasonably near future.

Quoting from the CWA document:

These “thresholds” would increase at the rate of general inflation, plus 1 percentage point, or 3 percent. This is well below the medical inflation rate (4 percent) and about half the rate (6 percent) at which employer and union plan costs have been increasing.

In other words, the cost of health care is rising faster than inflation, which today is almost zero. It may actually be below zero, the point being that in a number of years, so-called Cadillac plans are going to reach the threshold upon which middle-class workers are going to be forced to pay a lot in taxes.

Let me go back to the CWA now. They write:

Health Benefits Tax Will Hit CWA—

And they are talking about many union workers here.

CWA-negotiated Plans Hard and Result in Deep Cuts. In 40 of 43 states examined over 10 years (2015-2022) the average excise taxes assessed on each worker’s CWA’s most popular plans will be: $13,300 per active worker in the family plan.

That is for a 10-year period, $13,300.

$5,800 per active single worker. $13,600 for pre-Medicare retiree in the family plan, and $4,600 for pre-Medicare retiree in the single plan.

The bottom line is that the middle class in this country is struggling. We are in the midst of the most severe recession since the Great Depression of the 1930s. People are working longer hours for lower wages. The middle class is on the verge of collapse. The Senate should not be imposing an additional tax on middle-class workers. The House got it right; the Senate got it wrong, and I intend to offer an amendment to take out this tax and replace it with a progressive tax similar to what exists in the House.

Let me conclude by simply saying this: I understand that the leadership in the Senate wants to move this bill forward as quickly as possible. I understand that. But in my view, we have a lot of work in front of us to improve this plan. Among many other things—many other things—and I know other Members of this chamber and I believe with a struggling middle class, with people desperately trying to hold onto their standard of living, the last thing the Senate wants to do is impose a tax on millions and millions of working people. But the House, unfortunately, is hard to get a halfway decent health care plan.

I know some people are saying: Well, we are dealing with health care, we are not going to be back for a long time. If that were the case, I would trust me, we would be back in a few years, because health care costs are going to continue to soar. Winston Churchill once said: “The American people always do the right thing when they have no other option.” And I think that is what we are looking at right now. We are running out of options.

What we have put together is an enormously complicated patchwork piece of legislation. It is going to help a lot of people. It involves insurance reform which is a absolutely right. We have a lot of money into disease prevention, which we should have. There are a lot of very good things in this bill. But it is not going to solve, in my view, the health care crisis. Costs are going to soar. If we do not have the courage as a body to take on the insurance companies, to take on the drug companies, at the very least let us give States—which it is Vermont, Pennsylvania, California, or other States—the right to become a model for America. Let us give people in a cost-effective way through a Medicare-for-all, single-payer system. We have to do that.
The other thing we have to do, in my view, is to get rid of this tax on the middle class by taxing health care benefits. Mr. President, you will recall that a year ago we were in a highly controversial and difficult Presidential campaign. One candidate, who happened to have that same plan, differed, and the Member of the Senate, Senator McCAIN—came up with a plan that was exactly—or very close to it—to what we are talking about today. Then-Senator Barack Obama, who won that election, did have a different plan, for the simple reason he said that wasn’t a good idea. Well, how do you think millions of American workers are going to feel when they say: Wait a second, the guy who won told me he was against taxing health care plans, and now we are adopting the program of the guy who lost. How do the American people who voted in that election have faith in their elected officials if we do exactly what we said we would not do?

So before we have to move toward a progressive way of funding this health care plan. As I stand here right now, this plan has a lot of good stuff in it, but there are a lot of problems in it. I very much look forward to the opportunity to be able to offer a number of amendments to strengthen this bill. It is very important to the people of Vermont and to people all over this country that not only I but the Presiding Officer and other Members have a right to offer amendments. Because if this bill is whizzed right through and is not as strong as it possibly can be, I think we will not have done the job we need to do.

Mr. President, with that, I yield the floor.

Mr. KOHL. Mr. President, as chairman of the Special Committee on Aging, the plight of vulnerable seniors is a subject of great concern to me. The committee is charged with uncovering problems that threaten the health and welfare of older adults and developing policy to prevent seniors from becoming victims of fraudulent scams and abuse.

During this Congress, I have been fortunate to be joined by my colleagues, Senators LINCOLN and HATCH and STABENOW, in advancing policy to reduce elder abuse. The Senate health care reform bill now includes both the Elder Justice Act and the Patient Safety and Abuse Prevention Act, and we will continue to seek to see that they become law.

Today I am pleased to continue the effort to protect America’s vulnerable seniors by introducing an amendment that combines two very valuable bills, the Elder Abuse Victims Act and the National Silver Alert Act. Both have been passed by the House of Representatives.

Elder abuse is a sad scourge on our society, often hidden from sight by the victims themselves. Even experts conservatively estimate that as many as 2 million Americans age 65 and older have been injured, exploited or otherwise mistreated by someone on whom they depend for care or protection.

As Federal policymakers, it is time that we step forward and tackle this challenge with dedicated efforts and more vigorous programs that will make fighting elder abuse as high a priority as ongoing efforts to counter child abuse.

It is in this spirit that I am offering an amendment to give the Department of Justice a roadmap for how to establish programs to better the frontline responses of state and local prosecutors, aid victims, and build a robust infrastructure for identifying and addressing elder abuse far more effectively than we do today.

We need to provide assistance to our courts, which would benefit from having access to designated staff that boast particular expertise in elder abuse. Specialized protocols may be required where victims are unable to testify on their own behalf due to cognitive impairments or poor physical health. And there is a great need for specialized knowledge to support successful prosecutions and enhance the development of case law. Today, many state elder abuse statutes lack adequate provisions to encourage wide reporting of abuse and exploitation, more thorough investigations and greater prosecution of abuse cases.

For the victims of elder abuse, many of whom are physically frail and very frightened, too much might be lost. First and foremost, we must be more responsive. Not too long ago, it was difficult to even get an abuse case investigated. While that is starting to change, we have much work ahead. For example, sometimes emergency interventions are necessary, particularly if the older person is being harmed at the hands of family members or trusted “friends.” It may be necessary to remove the older adult from his or her home to a temporary safe haven. To do this, we must build a much more robust system of support.

And there is more we must do to assist vulnerable seniors who may not be abused, but who are nonetheless vulnerable because they suffer from cognitive impairment. As the prevalence of dementia rises in our aging society, we have a special responsibility to ensure that those who ‘go missing’ from home are returned promptly and safely. This is the second part of the amendment, which proposes to create a national program to coordinate State Silver Alert systems.

The Amber Alert system, on which the Silver Alert Act is modeled, was created as a Federal program to rapidly filter reported information on missing children and transmit relevant details to law enforcement authorities and the public as quickly as possible. Using the same infrastructure as Amber Alerts, 11 States have already established Silver Alert systems to help seniors by establishing Silver Alert systems at very little additional cost. These programs have created public notification systems triggered by the report of a missing senior. Postings on highways, radio, television, and other forms of media broadcast information about the missing senior to assist in locating and returning the senior safely home. Now we have an opportunity to finish the job and create Silver Alert programs across the country.

Both of the provisions in this amendment are strongly supported by the Elder Justice Coalition. I ask my colleagues to support this amendment, and by doing so to markedly reduce the risk of harm to our most vulnerable citizens.

Mr. SANDERS. Mr. President, it appears I am going to be closing tonight.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

MORNING BUSINESS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO VIDA CHAN LIN

Mr. REID. Mr. President, I rise today to honor Vida Chan Lin. The Las Vegas Asian Chamber of Commerce recently named Vida Chan Lin as their first female president. For many years, Lin has been an advocate for Nevada’s Asian Pacific Islander American, APIA, community. Her early exposure to the complexities of business and the APIA community has cultivated the passion and talent necessary for success.

Vida Chan Lin moved to Las Vegas in 1994 and began developing her career as an insurance agent. Within a few years, Lin pursued her entrepreneurial interests and launched an insurance agency named V&J Insurance. The company was committed to providing outstanding service and education to Asian and minority communities in Nevada. Vida Chan Lin’s success continued when she was named vice president after a merger between V&J Insurance and Western Risk Insurance.

Vida Chan Lin’s continued involvement and dedication with supporting local community and business organizations resulted in a significant partnership that benefits families and businesses across Nevada. Lin has also advanced local business endeavors through her work with the Asian Chamber of Commerce, ACC, and the OCA Las Vegas Chapter. During her tenure in ACC, she helped develop annual events such as the Chinese New Year Community Achievement Awards Dinner, Bill Endow Golf Tournament, and Asian Business Night. Her help with the OCA Las Vegas Chapter resulted in two national events to be held in Las Vegas for the first time—the
OCA National Convention and the National Asian Pacific American Corporate Achievement Awards.

Being a leader in the Asian Pacific Islander American community has provided Vida Chan Lin an opportunity to affect younger generations. Her positive par always has been a driving force for success with her family, career, and community. She continues to dedicate time for students involved in the OCA Las Vegas Chapter and ACC by engaging them in entrepreneurial development opportunities such as the Clark County Summer Business Institute.

As she continues to advance her career and charitable interests, Vida continues to give great care to her family. Las Vegas is better as a place because of dedicated people like Vida Chan Lin. Vida's dynamic ambition reminds me of a quote from one of this country's greatest Presidents Teddy Roosevelt once said:

"The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood, who strives valiantly, who errs and comes short again and again, who knows the great enthusiasms, the great devotions, who spends himself in a worthy cause, who at the best knows in the end the triumph of high ideals. I know in the end the triumph of high ideals and I will take my place with those cold timid souls who know neither victory nor defeat."

"I think it appropriate for me to share with my colleagues a recent account of Al Dix's dynamic ambition. He was a really good executive, said Dix 'was certainly interested in his employees and their well-being, he was a person of intellect, humor, good government and ethical behavior.'"

By sponsoring an annual State Journal All-Alumni Banquet, Dix encouraged students to excel in the classroom, Roach said, "and he encouraged teachers by recognizing them as well."

"Under the gun a lot of times'' while serving as Finance Cabinet secretary to Carroll and assistant budget director to Bert Combs when they were governors.

"He knew of my interest in science and he had numerous things to tell he was here to be a friend of Frankfort. He was a silent supporter. When there was a need, he was there and stepped right up front. He was a special guy.'"

"One thing I could always count on was Al being straight up and fair," McClure said. "He was always straightforward with his answers and the facts."

"When Hunt got to Cape Canaveral, bad weather caused the flight to be postponed, so he figured he would need to get back to Frankfort for the launches of the Gemini space program. He has fond memories of getting to cover one of the launches of the Gemini space program in the early 1960s for the State Journal because of Dix.

"He was a person of intellect, humor, good government and ethical behavior," Roach said. "And I knew his advice would be on target."

"We're going to miss him. I sure will."

"I had given last year, and then say, 'Don't worry about the quality of the library through the gifts he solicited."

"Few people get to see the fruits of their labor in their lifetimes. We have the quality of the library through the gifts he solicited."

"He was a person of intellect, humor, good government and ethical behavior," Roach said. "And I knew his advice would be on target."

"I knew that Vida Chan Lin and the Las Vegas Asian Chamber of Commerce have a bright and blessed future. I congratulate Vida on being the first woman to lead the Asian Las Vegas Chamber of Commerce.

I must confess that I was an admirer of Al Dix. A fourth-generation journalist, Al Dix moved to Frankfort, Kentucky's State capital, to become publisher of The State Journal in 1962, a post he would keep until his retirement in 1996. Known for being a mentor to aspiring journalists, Al Dix helped train scores of individuals who went on to work at papers with much larger circulations. But he was more than just one of Kentucky's finest journalists. As one of his former press foremen put it, 'He treated all employees really well, just like they were his family. He was a really good person all around.'"

Indeed, Al Dix leaves behind a legacy as a newspaper publisher. He was a pillar of his community. While I could say much more about my friend Al Dix, I think it appropriate for me to share with my colleagues a recent account of Al's life, which was published by The State Journal on December 3, 2009. I ask unanimous consent that the full article be printed in the RECORD.

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

[From the State-Journal, Dec. 2, 2009]

FORMER PUBLISHER AL DIX REMEMBERED AS CARING LEADER (By Charlie Pearl)

Journalists, bankers, politicians, educators and others took pride in Al Dix as a sensitive and caring publisher who was dedicated to improving the community but kept his good works private.

Dix died at his home in Frankfort Tuesday morning of pancreatic cancer. He was 80. Services will be 2 p.m. Friday at South Frankfort Presbyterian Church with visitation at noon. Burial will follow at Frankfort Cemetery.

Richard Wilson, who retired from The (Louisville) Courier-Journal as its higher education reporter, got his first job in newspapers with The State Journal under Dix in 1963 and 1964.

"That helped me immensely during a near-40-year career in journalism," Wilson said. "Much of the reason for that was Al, who was unquestionably a reporter's publisher. He was encouraged quick and openly shared his enthusiasm for its appearance in the newspaper.

"While he may have held strong views on many subjects, he never permitted them to permeate The State Journal's news columns and he respected those who believed otherwise. He also frequently took a personal interest in those who were both professionally and personally.""
But Dix encouraged him to stay in Florida, saying he would give the sermon on Sunday. Hunt said.

"He filled the pulpit for me and did an excellent job. He got ready at home. He got ready at home and supplied the pulp on my absences after that. I was about ready to swap places with him."

Scottie Willard, who retired in September as press foreman after 44 years at The State Journal, remembers when Dix became publisher in 1962.

"He made a lot of improvements as far as press equipment when he took over," Willard said. "He treated all employees really well, just like they were his family. He was a really good person all around."

Ronnie Martin, retired composing foreman who worked at the newspaper 43 years, agrees.

"He was super to work for," Martin said. "He gave me all sorts of opportunities and challenges at the same time, but they all worked out. He was a great guy. He treated everybody fairly."

Ann Maenza, Dix's daughter, now publisher of The State Journal, said her father "never cut corners. Always made sure things were done right. He was old school, fair and honest."

Amy Dix Rock, senior director of regulatory and scientific affairs at Cumberland Pharmaceuticals Inc. in Nashville, Tenn., said her father was "always thinking of others. We don't know how many things he's done for others because he didn't talk about it."

"That's the way he was. He was soft-spoken but when he did speak you listened."

Al Smith, who rose to prominence in the state as a weekly newspaper publisher and as the longtime host of KET's "Comment on Kentucky," said Dix was a newspaper publisher of the old school, "but the opposite of the domineering egotistic bosses who bullied employees and squeezed the news to match their biases."

"Old school" means that we always knew that with Al at The State Journal, it was like the grocery slogan of years ago, 'the shoppers are in the store.' He didn't have to call headquarters to know what to say or do.

"He had strong views, conservative Republican views, but when he did speak he listened." "Al always made sure things were done right. He was old school, fair and honest."

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also deprived—in accordance with U.S. policies except during brief periods—of interaction with America's people. We must have the courage to admit the need for a new approach. President Kennedy, who instituted sanctions against Cuba, had by mid-1963 set in motion secret contacts aimed at normalizing relations. Ford and Carter, too, looked for ways out of the box. George H.W. Bush cooperated with Cuba on the Angola peace accord, and his administration even dangled a promise of improved ties with America. Each initiative failed for a different reason, but all were grounded in the same recognition: there must be a better way forward.

Fortunately, we know there is a different strategy that can succeed. The Clinton administration worked to refocus our policy around what matters: on the Cuban people, not the Castro brothers; on the future, not the past; and on America's long-term national interests, not the political expediencies of a given moment.

The Clinton administration promoted people-to-people relations "unilaterally"—without conditions on Havana. We worked to improve bilateral cooperation like never before. We combated drug trafficking, which were clearly in our national interest. Family travel in both directions quickly skyrocketed. And tens of thousands of Americans from across society—church members, academics and students, medical professionals, athletes, journalists, and more—were permitted to interact with their Cuban counterparts.

Those policies sent a clear and effective message to the Cuban people: the United States is not who your leaders say we are. Our problem is not now, nor has it ever been, with the Cuban people. We completely changed the dynamic: A synagoga with holes in its roof that birds flew around, the sanctuary has been repaired with funds and materials from American supporters. Environmentalists worked together to save species and protect our shared environment. The children who received bats and balls—and moral support—from Baltimore Orioles players visiting Cuba for an exhibition game will never forget the gesture of American generosity.

And guess what. Across the board, Cuba’s future is better for their country have said that nothing energized civil society in Cuba more than contact with U.S. civil society. Even Cuba’s human rights and democracy activists benefitted immeasurably from this contact.

Unfortunately, the Bush administration shut down most forms of contact and dramatically reduced our interactions to a tightly regulated, government controlled trickle. They tightened licensing procedures, reduced transparency, and put government in the people’s way in what amounted to a unilateral suspension of Americans’ ability to help Cubans shape their future. People-to-people relations were made secretive, filtered, and for narrow objectives. That is the opposite of pro-democracy.

Regrettably, that was the record of the Bush administration: an enormous step up to the Obama administration to craft a Cuba policy that moves us forward.

In May 2008, Barack Obama said on the Presidential campaign trail that it was "time for a new strategy." While the White House did not yet have the embargo as a source of leverage, he did declare at the Summit of the Americas: "The United States seeks a new beginning with Cuba," and announced that he was "prepared to have [the] Administration engage with the Cuban government on a wide range of issues." As promised, the Obama administration has expanded licenses for Cuban-Americans—albeit only Cuban-Americans—to travel to Cuba. Controls on family remittances, gift parcels, and certain transactions with telecommunications companies were loosened as well. Mid-level talks about immigration matters and postal relations have resumed. And we’ve turned off an Orwellian electronic billboard flashing political messages from our Interests Section in Havana.

These are positive steps, but they are only a start. So what comes next?

At a minimum, the administration should use the authorities that it has to reinvigorate people-to-people relations—to unleash the energy of the American people who want to help Cubans build their future. The policy worked in the past and enjoyed wide support in both countries. When announcing expanded family travel, the President said, "There are no better ambassadors for freedom than Cuban-Americans." But I think it’s also fair to say that there are excellent ambassadors for freedom among the million other Americans—religious faithful, teachers and students, environmentalists, scholars, doctors and nurses, political scientists, and artists—whose challenging minds, economic success, love for democracy, and advocacy of solid American values make them proud ambassadors as well.

The New York Philharmonic and its board of directors have been brilliant representatives of America on trips to North Korea, Vietnam and around the world. But this past year, the administration recently blocked their proposed trip to Cuba. What are we afraid of?

Second, as we reinvigorate people-to-people diplomacy, the administration should review the programs that the Bush administration funded generously to substitute for it. The Senate Foreign Relations Committee is already undertaking an investigation into the need to reform Radio and TV Marti—programming beamed into Cuba at a cost of $35 million a year. Many Cubans call TV Marti "La TV que no se ve" because it has never, in 18 years of broadcast, had a significant audience in Cuba. Report after report has documented that the Marti services are hindered by bad management, weak professional trade craft, and serious politicization. We are looking at whether its business model—as a "surrogate service" exempt from many Voice of America standards and regulations—has failed, and whether the TV service should be closed entirely and radio should be integrated into the high-quality VOA services. We ought to "especially consider" how human rights activists in Cuba a key belwether audience are unanimous in their view that the Marti brand must be repaired.

Meanwhile, USAID's civil-society programs, totaling $45 million in 2008, have noble objectives, but we need to examine whether we're achieving any of them. The Bush administration changed the program's focus from support to Cuban people to accelerating regime change, and the fact that some of our grantees have extravagantly high overheads has raised concerns about where all the money is going. It is also fair to ask whether these programs even work.

Bush's refocus on regime change made it difficult for Cubans outside declared antiregime groups to accept the informational materials or assistance offered—even if they had a burning desire for it. Our interests section used to distribute tens of thousands of books a year to Cubans across the political spectrum and the books could be seen, even in Cuba. Our program to support independent radio should be integrated into the Voice of America standards and regulations. It is in the administration's interest to take the lead in overhauling them.

Finally, as I mentioned at the outset, I want to address legislation that will go forward in the Cuba policy. S. 428, the Freedom to Travel to Cuba Act, does not lift the embargo or normalize relations. It merely stops our government from regulating or prohibiting travel to or from Cuba by U.S. citizens or legal residents, except in certain obviously inappropriate circumstances.

The Freedom to Travel to Cuba Act has strong support in Congress—33 sponsors in the Senate and 190 cosponsors in the House. I cosponsored similar legislation in the past, and I am proud to do so again. We are talking about restoring a fundamental American right—the right to travel—that is denied to Americans who are not freedom fighters. We are talking about rights that Americans who can get a visa are free to travel to Iran, Iraq, Sudan, and even North Korea, and it makes no sense to deny them the right to travel to a poor island near Florida. There is a certain irony in the fact that Americans have to apply for licenses and wait, with little or no feedback, to travel to a country that we criticize for denying its
citizens the right to travel. The current ban on travel contravenes the spirit of the Universal Declaration of Human Rights' statement that "everyone has the right to leave any country, including his own, and to return to his country." Free travel also makes for good policy inside Cuba. Visits from Americans would have the same positive effects as people-to-people exchanges, but on a larger scale. Visiting Europeans and Canadians already increased the flow of information and hard currency to ordinary Cubans, with a significant impact on the country. Cuba's economic model, for sure, remains profoundly flawed, and human rights conditions remain dismal. But the hard-currency sectors of the Cuban economy have significantly altered workers' dependence on the regime, introduced material incentives that are changing economic culture, and raised expectations, if not demands, for greater improvements in the future. After years of Cuban government propaganda, Americans are even better positioned than Europeans and Canadians to be catalysts of change. We can do more if we let them.

This is one reason why all of Cuba's major pro-democracy groups support free travel. Freedom House, Human Rights Watch, and other groups critical of Cuba's government agree. Studies of change in Eastern and Central Europe demonstrate the direct correlation between contact with the outside world and the peacefulness and durability of democratic transitions.

This is a policy whose time has come. Numerous polls of Americans—of Cuban origin and otherwise—show strong support. Non-Cuban-Americans have long supported easing restrictions. But here is what is surprising: one recent poll found that 59 percent of Cuban-Americans—the group most widely opposed to the current policy—actually support allowing all Americans to travel to Cuba. As the proportion of Cuban Americans who arrived after 1980 increases, support for free travel is only growing. In fact, even many Cuban émigrés 65 years and older, once passionately opposed to it, now favor free travel. This is a sea change in the attitudes of Cuban-Americans, and we should not ignore it.

Change is in the air—in Havana, in Washington, and in major Cuban-American communities. I don't personally hold high hopes that the transfer of power from Fidel to Raúl Castro and to the next generation of hand-picked loyalists portends rapid change, but it is obvious that the Cuba of today is not the Cuba of the 60s or even the 90s, and that our policy should not be stuck in time either. Cubans are searching for models for the future, and our economic system and democratic ideals appeal to them.

In September, when the Colombian rock star Juanes came to Havana, by some estimates as many as a million people came to hear the concert. From the stage, he looked out at the Cuban people and started a simple chant: Una Sola Familia Cubana. The crowd roared approval at the thought of ending the conflict between Cubans across the Florida Straits.

There is a hunger out there among the Cuban people. America should capitalize on it. They want contact with their own families, and they want contact with American people and American ideas. The collapse of the Soviet Union has profoundly altered workers' conditions in Cuba. It's time to try working with the Cuban people and making a new future together.

**REMEMBERING SENATOR PAULA HAWKINS**

Mr. HATCH. Mr. President, I rise today to speak about the passing of Paula Hawkins, a former colleague of mine in the U.S. Senate and a very dear and cherished friend whose service to the Nation and her home State of Florida will endure for generations.

In the ranks of those who greatly admire and will dearly miss Paula, I stand front and center today to salute this extraordinary woman for her accomplishments, outstanding public service, wonderful family and exemplary life. As I do so, I am humbled by the magnitude of the task. It is not easy to find the right words to do justice to such a unique and choice individual. That said, I guess the first thing that comes to mind about Paula Hawkins is that, true to her Utah Mormon heritage, she was a pioneer—a real trailblazer who served the nation and her home State of Florida will endure for generations.

I first met Paula Hawkins in 1980, she became the first woman elected to the Senate, there was Paula Hawkins. In other words, she gave more than she got—and her opponents, more often than not, got more than they bargained for.

She was a great debater, a human dynamo who brought unrivaled energy and unbridled enthusiasm to the Senate. She was extremely intelligent and tangentially interested in politics—and she was very good at it. A quick look at her successful Senate campaign in 1980 attests to just how good she was.

By today's big-hucks standards, Paula's campaign was strictly bargain-basement. Fox News pundit Dick Morris, her pollster at the time, recalls the campaign being too cash-strapped to afford a teleprompter. AIDS made do by writing scripts on paper towels and handing them as Paula spoke. In the end, her powers of persuasion and command of the facts carried the day with voters.

After stirring voters' hearts in Florida, Paula stirred things up in the Nation's Capital. Change was in the wind when she blew into wintry Washington in January 1981. For starters, she became the first Senator to bring her husband to Washington, which resulted in the Senate wives' club being reborn. She helped spearhead legislation to help widows and women divorcees get back on the job market. She supported efforts to improve pensions for women and make them more equal to that of men. She further fought to get daycare for the children of Senate employees. Even the all-male Senate gym was no sweat for Paula, who forced her fellow Senators to wear swimming suits so she could swim there as well.

But Paula was more than a pretty face. Sure, she had perfectly coiffed hair and wore designer clothes and jewelry, but she had a razor-sharp mind to go along with it. She quickly showed she was nobody's pushover. She could stand toe to toe and verbally slug it out with some of the most powerful and even most obnoxious Senators. In other words, she gave more than she got—and her opponents, more often than not, got more than they bargained for.

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I certainly hope the reverse was true—that I was there whenever she needed help.

Women, minorities, as well as the elderly with disabilities also learned they could count on Paula. She was a tireless advocate for their behalf—and they loved her for it. She also showed great political courage in 1984, when she disclosed during a hearing that she had been molested as a child. I am sure that horrific childhood experience, in part, informed her efforts to champion children’s causes.

While her legislative accomplishments are too numerous to mention here, I would like to make mention of one in particular. Paula spearheaded the Missing Children’s Act of 1982, the bill that instituted the National Center for Missing & Exploited Children. Thanks to that landmark legislation, the names of thousands of missing children are now part of the FBI’s national crime database.

To ensure the bill’s passage, Paula personally lobbied President Reagan. As a great communicator as he was, the “Great Communicator” knew he had met his match in Paula and lent his support. Of course the President knew she would always be there to help deliver a legislative win for “the Gipper” in the Senate—which she did many times.

As a staunch conservative, she found common cause with the President and other Republicans, including myself, on numerous issues. She was, for example, an ardent anti-communist who supported the President’s hard line against Soviet expansionism. She also despised overly big government—and, there is certainly a lot to despise in Washington, especially these days.

Paula was an unwavering friend for those who shared her values and commitment, but she was an implacable foe of political corruption and to those who peddled illegal drugs on our streets and in our schools. She fought for legislation to cut foreign aid to nations that refused to reduce their export of harmful drugs. She further assisted in creating the Senate Caucus on International Narcotics Control and helped initiate the South Florida Drug Task Force.

I would be remiss if I didn’t say something about Paula’s stamina. She could endure as well as endure—often when she was in great pain. In 1982, she was knocked unconscious when a TV studio partition fell on her during an interview in Florida.

Those of us who worked closely with her know that the years that followed were often filled with crippling pain. Between sessions, the Senate floor, she would often go to a room lent to her by Senator Strom Thurmond in the Capitol and lie in traction in a hospital bed.

Despite the immense pain stemming from her debilitating injury, Paula soldiered on during her 1986 bid for reelection. On campaign trips across Florida Paula would sometimes lay in the back seat moaning between appearances, according to Congressman John Mica, her aide at the time. While she lost that race to Bob Graham, it is amazing that she did so well and a testament to her courage and determination.

Paula’s service did not end with her Senate term. Her contributions to her State, community, family and church over the past 23 years have been truly significant. She also didn’t lose her sense of humor. Former State senator told Paula several years ago that she was trying to do a good job, Paula smiled, grasped her hand firmly and said simply: “Try harder, dear.”

As great a public servant she was, Paula was just as remarkable in her private life—as a wife, mother, grandmother and great-grandmother. She had a fierce love for each member of her immediate and extended family. And her husband Gene is no less remarkable. He is one of the kindest, most friendly, decent and honorable men I have ever known—and his love for Paula has always been uplifting to behold.

In every aspect of their lives, they have been an exemplary couple. They have been just as exemplary as parents. As members of The Church of Jesus Christ of Latter-day Saints, Gene and Paula took to heart the Mormon teaching that families are forever. They were determined to ensure that every family member worked hard toward achieving the goal of being able to be together in the hereafter. They have a great family and are well on their way toward achieving that lofty goal.

In the Old Testament book of Proverbs, we read:

Who can find a virtuous woman, for her price is far above rubies. The heart of the husband doth safely trust in her, and he shall have no need of spoil . . . She reacheth forth her hands to the needy . . . She is strong and valiant for her hands do work cruel iron: she stretcheth out her hand to the poor; yea, she reacheth forth her hands to the needy . . . Her husband doth safely trust in her, so that he shall have no fear of idleness. Her children rise up, and call her blessed; her husband also, and he praiseth her . . . Favour is deceitful and beauty is vain: but a woman that feared the Lord, she shall be praised. Give her of the fruit of her hands; and let her own works praise her in the gates (Proverbs 31:10-31).

Today, I am honored to have the privilege of adding my voice to the chorus of praise for my dear friend, Paula Hawkins. I feel deeply that a loving Father in heaven and Jesus Christ have already embraced Paula and taken her into their care and treatment as one of truly great women who graced this Earth.

I truly loved Paula Hawkins. We were best friends. Like Gene and the Hawkins’ three children—Genean, Kevin and Kelly—11 grandchildren and 10 great-grandchildren, my wife Elaine and I look forward to a joyous reunion one day with Paula on the other side of the veil.

In the meantime, it is my hope that all of us here in this chamber will reflect on her service and follow her advice to that State Senator: Try Harder!

ADDITIONAL STATEMENTS

TRIBUTE TO ROY OBREITER

Mr. LEVIN. Mr. President, the Office of Rural Development within the United States Department of Agriculture will soon say goodbye to Roy Obreiter, a longtime trusted adviser, friend, and colleague to all who have worked with him. I am delighted to have this opportunity to pay tribute to Roy, a staff appraiser with the agency in Michigan, who will retire after 38 years of dedicated service. I join many within the USDA, as well as the many who have benefitted from his work over the years, in celebrating this impressive milestone.

Roy has an encyclopedic knowledge of agency programs and appraisal guidelines. Through his hard work, focus, and passion, Roy has endeared himself to those who have had the pleasure of working with him.

Roy has been a role model and mentor to his peers and up-and-coming colleagues. His kind and gentle demeanor, combined with his ability to connect on a personal level, have helped him earn the respect and admiration of his colleagues within the agency. Roy is an incredibly decent human being, devoted to family and work, and loyal to those around him.

Beyond his personal qualities, Roy has distinguished himself with a remarkable record of contributions to the agency. The assistance he has provided to Rural Development programs during his career has been invaluable. Roy can be proud of his contributions to Michigan and to rural America. He will be missed by his colleagues and by those throughout Michigan who have been touched by his work.

I congratulate Roy Obreiter on a job well done and wish him the best as he embarks on the next phase of his life.

TRIBUTE TO TERRY SHERWOOD

Mrs. LINCOLN. Mr. President, today I join many of my fellow Arkansans in recognizing and thanking Terry Sherwood with the Southwest Arkansas Planning and Development District for his 40 years of work with this agency and to wish him all the best in his retirement.

Since the Southwest Arkansas Planning and Development District was organized and began operation in 1967, it has served local governments by working as an indispensable partner to identify and implement State and Federal programs. Through Terry’s hard work and leadership with the Southwest Arkansas Planning and Development District, communities throughout southwest Arkansas have been impacted and their lasting results are a testament to his dedication and vision and will be felt for decades to come.
Not only has Terry admirably served in his chosen career, but he has also offered his talents and expertise to a variety of local, state and national organizations. Terry has served as past President and board member of the National Association of Development Organizations, chairman of the Arkansas I-69 Association and vice-president of Arkansas Good Roads, board member of the Council of Peers and Southwest Regional Economic Development Association, chairman of the Association of Delta Development Districts, member of the Arkansas Highway and Transportation Public Participation’s Committee, and a member of the Arkansas Association of Development Organizations. Terry’s efforts have enhanced the lives of the citizens of our state. I am thankful for his work and his friendship and wish him a productive retirement.

I am proud to represent Terry in the U.S. Senate and pleased to have this opportunity today to publicly thank him for his contributions to the State of Arkansas and the people he touched.

Mr. PRYOR. Mr. President, today I pay tribute to the professional career and community achievements of Terry Sherwood of Magnolia, AR.

Terry Sherwood, a graduate of Michigan State University, began working as an employee of Southwest Arkansas Planning and Development District, Inc. in 1969. His hard work and dedication showed as he became the executive director in January 1992. He has provided the people of Arkansas with many accomplishments that are spread throughout the State.

He has served on several boards in several leadership roles such as past president and board member of the National Association of Development Organizations, NADO, vice president and member of the executive board of the I-69 Mid-Continent Highway Coalition, chairman of the Arkansas I-69 Association, vice-president of Arkansas Good Roads, board member of the Council of Peers Southeast Regional Executive Directors Institute, board member of the Southwest Regional Economic Development Association, chair of the Association of Delta Development Districts Delta Regional Authority, member of the Public Participation Committee, Arkansas Highway and Transportation Department, and member of Arkansas Association of Development Organizations.

Terry has brought great leadership and outstanding integrity to the south Arkansas community. His leadership is unique and has inspired many other people in the area to get involved in their local neighborhoods and towns.

Mr. President, I ask that my colleagues join me in recognizing the great contributions Terry Sherwood has made to Arkansas and the United States of America.

MESSAGES FROM THE PRESIDENT
Messages from the President of the United States are transmitted to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED
As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE
At 10:03 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 118. An act to authorize the addition of 100 acres to Morristown National Historical Park.

H.R. 1454. An act to provide for the issuance of a Multinational Species Conservation Funds Semipostal Stamp.

H.R. 1872. An act to reauthorize the Northwest Straits Marine Conservation Initiative Act to promote the protection of the resources of the Northwest Straits, and for other purposes.

H.R. 2062. An act to amend the Migratory Bird Treaty Act to provide for penalties and enforcement for intentionally taking protected avian species, and for other purposes; to the Committee on Environment and Public Works.

H.R. 3388. An act to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3894. An act to make technical corrections to various Acts affecting the National Park Service, to extend, amend, or establish certain National Park Service authorities, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3940. An act to amend Public Law 96–597 to clarify the authority of the Secretary of the Interior to extend grants and other assistance to facilitate political status public education programs for the peoples of the non-self-governing territories of the United States.

ENROLLED BILL SIGNED
At 3:16 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1522. An act to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

At 4:27 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. 4218. An act to amend titles II and XVI of the Social Security Act to prohibit retroactive payments to individuals during periods for which such individuals are prisoners, fugitive felons, or probation or parole violators.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 3298 ) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; it agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. OLIVER, Mr. PASTOR, Ms. KAPTUR, Mr. PRICE of North Carolina, Ms. ROYBAL-ALLARD, Mr. BERRY, Ms. KILFATKIE of Michigan, Mrs. LOWEY, Mr. MALAKOFF, Mr. LATHAM, Mr. TAHART, Mr. WAMP, and Mr. LEWIS of California, as managers of the conference on the part of the House.

MEASURES REFERRED
The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 118. An act to authorize the addition of 100 acres to Morristown National Historical Park; to the Committee on Energy and Natural Resources.

H.R. 1454. An act to provide for the issuance of a Multinational Species Conservation Funds Semipostal Stamp.

H.R. 1872. An act to reauthorize the Northwest Straits Marine Conservation Initiative Act to promote the protection of the resources of the Northwest Straits, and for other purposes.

H.R. 2062. An act to amend the Migratory Bird Treaty Act to provide for penalties and enforcement for intentionally taking protected avian species, and for other purposes; to the Committee on Environment and Public Works.

H.R. 3388. An act to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3894. An act to make technical corrections to various Acts affecting the National Park Service, to extend, amend, or establish certain National Park Service authorities, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3940. An act to amend Public Law 96–597 to clarify the authority of the Secretary of the Interior to extend grants and other assistance to facilitate political status public education programs for the peoples of the non-self-governing territories of the United States; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR
The following bill was read the first and the second times by unanimous consent, and placed on the calendar:

H.R. 1872. An act to reauthorize the Northwest Straits Marine Conservation Initiative Act to promote the protection of the resources of the Northwest Straits, 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–3964. A communication from the Commissioner of the Social Security Administration, submitting, the report of a proposed bill to amend titles II and XVI; to the Committee on Finance.
EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. KERRY for the Committee on Foreign Relations:

Rajiv J. Shah, of Washington, to be Administrator of the United States Agency for International Development.

Mary Burce Warlick, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Serbia.

Nominee: Mary Burce Warlick.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: James B. Warlick, Jr., None.
3. Children and Spouses: James B. Warlick, III, None; Jason A. Warlick, None; Jordan V. C. Warlick, None.
4. Parents: Willard and Elinor Burce, None; Burce E. and Nancy Burce: None; Charles A. Burce: None.
5. Grandparents: Deceased.

6. Brothers and Spouses: Gregory C. Burce and Jan Rhodes: $30,000, 2/20/08,Obama for America; Al Franken for Senate: $25,000, 8/21/08, Republican National Committee; $25,000, 10/3/08, Republican National Committee; $35,000, 10/30/08, Republican National Committee.

7. Sisters: Willard and Elinor Burce, $35,000, 8/14/08, Republican National Committee; $25,000, 10/3/08, Republican National Committee; $35,000, 10/30/08, Republican National Committee.


9. James B. Warlick, Jr., of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Bulgaria.

Nominee: James B. Warlick, Jr.

Post: Sofia, Bulgaria.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions and amount:

1. Self: None.
2. Spouse: None.
3. Children: None.
4. Parents: None.
5. Grandparents: None.
CONGRESSIONAL RECORD — SENATE
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HILL PAC; $25,000, 9/8/2006, Sonnenschein PAC; $2,300, 6/30/2007; Hillary Clinton for President ($2,500 designated by DNC/House Victory Fund); $2,300, 9/28/2008; Barack Obama.

*Mary Jo Wills, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Seychelles. Nominee: Mary Jo Wills.

Post: (The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and done:
1. Self: None.
2. Spouse: Kay Wills; None.
3. Children: Alberto M. Fernandez; None.
4. Parents: Nancy Wills; None.
5. Brother and Spouse: None.
6. Sibling and Spouse: None.

*David Daniel Nelson, of Minnesota, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Oriental Republic of Uruguay. Nominee: David D. Nelson.

Post: Montevideo. The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform
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. NELSON of Nebraska:
- S. 2846. A bill to authorize the issuance of United States War Bonds to aid in funding of the operations in Iraq and Afghanistan; to the Committee on Finance.
- S. 2849. A bill to require a study and report on the feasibility and potential of establishing a deep water sea port in the Arctic to preserve access to ambulance services under the Medicare program; to the Committee on Environment and Public Works.
- S. 2850. A bill to permit the use of Federal Water Pollution Control Act to include a definition of communities and for other purposes; to the Committee on the Judiciary.
- S. 2851. A bill to authorize the issuance of United States War Bonds to aid in funding of the operations in Iraq and Afghanistan; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHUMER:
- S. 1313, a bill to amend the Internal Revenue Code of 1986 to provide for a means of alerting blind and other pedestrians of motor vehicle operation; to the Committee on Commerce, Science, and Transportation.
- S. 1304, a bill to amend the Economic Rights of Automobile Dealers Act to prohibit the Secretary of Transportation from taking any action with respect to enforcing a requirement that provides for a means of alerting blind and other pedestrians of motor vehicle operation; to the Committee on Commerce, Science, and Transportation.

By Ms. MURKOWSKI:
- S. 2847. A bill to regulate the volume of audio on commercials; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG:
- S. 936. A bill to amend title XVIII of the Social Security Act to preserve access to ambulance services under the Medicare program; to the Committee on Finance.
- S. 304, a bill to amend the Water Resources Development Act of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR:
- S. Res. 372. A resolution designating March 2010 as “National Autoimmune Diseases Awareness Month” and supporting efforts to increase awareness of autoimmune diseases and increase funding for autoimmune disease research; to the Committee on the Judiciary.
At the request of Mr. Levin, the name of the Senator from Minnesota (Ms. Klobuchar) was added as a cosponsor of S. 1421, a bill to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain varieties of carp.

At the request of Mr. Kerry, the name of the Senator from Maine (Ms. Snowe) was added as a cosponsor of S. 1524, a bill to strengthen the capacity, transparency, and accountability of United States foreign assistance programs to effectively adapt and respond to new challenges of the 21st century, and for other purposes.

At the request of Mr. Reed, the name of the Senator from New Jersey (Mr. Lautenberg) was added as a cosponsor of S. 1578, a bill to amend chapter 171 of title 28, United States Code, (commonly referred to as the Federal Torts Claim Act) to extend medical malpractice coverage to free clinics and the officers, governing board members, employees, and contractors of free clinics in the same manner and extend as certain Federal officers and employees.

At the request of Ms. Cantwell, the name of the Senator from New Hampshire (Mr. Gregg) was added as a cosponsor of S. 1589, a bill to amend section 3 of the Clean Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes.

At the request of Ms. Collins, the name of the Senator from North Carolina (Mr. Burr) was added as a cosponsor of S. 1666, a bill to require the Administrator of the Environmental Protection Agency to satisfy certain conditions before issuing to producers of mid-level ethanol blends a waiver from certain requirements under the Clean Air Act, and for other purposes.

At the request of Mr. Merkley, the name of the Senator from North Carolina (Ms. Hagan) was added as a cosponsor of S. 1822, a bill to amend the Emergency Economic Stabilization Act of 2008, with respect to considerations of the Secretary of the Treasury in providing assistance under that Act, and for other purposes.

At the request of Mr. Rockefeller, the name of the Senator from Virginia (Mr. Warner) was added as a cosponsor of S. 1938, a bill to establish a program to reduce injuries and deaths caused by cellphone use and texting while driving.

At the request of Mr. LeMieux, the name of the Senator from Florida (Mr. Nelson) was added as a cosponsor of S. 2128, a bill to provide for the establishment of the Office of Deputy Secretary for Health Care Fraud Prevention.

At the request of Mr. Reed, the name of the Senator from New Jersey (Mr. Lautenberg) was added as a cosponsor of S. 2381, a bill to provide for additional emergency unemployment compensation and to keep Americans working, and for other purposes.

At the request of Mr. Bond, the name of the Senator from Georgia (Mr. Isakson) was added as a cosponsor of S. Res. 320, a resolution designating May 1 each year as “Silver Star Banner Day”.

At the request of Mr. Casey, the names of the Senator from New York (Mrs. Gillibrand) and the Senator from Rhode Island (Mr. Reed) were added as cosponsors of amendment No. 2790 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

At the request of Mr. Bond, the name of the Senator from New Jersey (Mr. Menendez) and the Senator from Illinois (Mr. Durbin) were added as cosponsors of amendment No. 2790 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

At the request of Mr. Lieberman, the name of the Senator from Rhode Island (Mr. Whitehouse) was added as a cosponsor of amendment No. 2898 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

At the request of Mr. Nelson of Florida, the names of the Senator from New York (Mrs. Gillibrand), the Senator from Pennsylvania (Mr. Casey) and the Senator from Wisconsin (Mr. Kohl) were added as sponsors of amendment No. 2899 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

At the request of Mr. Case, the names of the Senator from New York (Mrs. Gillibrand) and the Senator from Rhode Island (Mr. Reed) were added as cosponsors of amendment No. 2909 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

At the request of Mr. Bond, the name of the Senator from New Jersey (Mr. Menendez) and the Senator from Illinois (Mr. Durbin) were added as cosponsors of amendment No. 2909 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

At the request of Mr. Bond, the name of the Senator from Virginia (Ms. Klobuchar) was added as a cosponsor of amendment No. 2910 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

At the request of Mr. Reed, the name of the Senator from New York (Mrs. Gillibrand) and the Senator from Wisconsin (Mr. Kohl) were added as cosponsors of amendment No. 2923 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

At the request of Mr. Dorgan, the name of the Senator from Washington (Mrs. Murray) was added as a cosponsor of amendment No. 2932 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

At the request of Mr. Cardin, the names of the Senator from Connecticut (Mr. Lieberman), the Senator from Illinois (Mr. Barrassi), the Senator from New Jersey (Mr. Menendez) and the Senator from Illinois (Mr. Durbin) were added as cosponsors of amendment No. 2932 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

At the request of Mr. Stabenow, the name of the Senator from Louisiana (Ms. Landrieu) was added as a cosponsor of amendment No. 2933 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.
the Armed Forces and certain other Federal employees, and for other purposes.

**AMENDMENT NO. 2991**

At the request of Mr. CARPER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 2991 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

**AMENDMENT NO. 2994**

At the request of Mrs. BOXER, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of amendment No. 2994 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of the Senator from Illinois (Mr. JOHANNS) was added as a cosponsor of amendment No. 2994 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

**AMENDMENT NO. 2997**

At the request of Mr. BENNET, the names of the Senator from Illinois (Mr. DURBIN), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of amendment No. 2997 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

**AMENDMENT NO. 2991**

At the request of Mr. WARGA, the names of the Senator from Wisconsin (Mr. REID) and the Senator from South Dakota (Mr. MURkowski) were added as cosponsors of amendment No. 2991 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

**AMENDMENT NO. 2961**

At the request of Mrs. SHAHEEN, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of amendment No. 2961 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of the Senator from Nebraska (Mr. HUTCHISON) was added as a cosponsor of amendment No. 2961 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

**STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS**

**By Mr. NELSON, of Nebraska:**

S. 2846 A bill to authorize the issuance of United States War Bonds to aid in funding of the operations in Iraq and Afghanistan; to the Committee on Banking, Housing, and Urban Affairs.

Mr. NELSON of Nebraska. Mr. President, I rise today to introduce legislation to help finance the war effort without sharp tax increases or increased foreign borrowing. The United States War Bonds Act of 2009 will authorize the Treasury to issue and market War Bonds to the American people to help finance the wars in Afghanistan and Iraq.

I believe that we need shared sacrifice and fiscal discipline in financing the war effort. I don’t believe our first instinct should always be a rush to tax. The government has gone to great lengths to address the economic downturn and add new taxes right now could undermine those efforts. We need to work to reduce Federal spending wherever possible and reduce the growth in spending to finance the war.

**AMENDMENT NO. 2963**

At the request of Mr. COBURN, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of amendment No. 2963 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

**AMENDMENT NO. 2969**

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of amendment No. 2969 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

**AMENDMENT NO. 2995**

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KERRY) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of amendment No. 2995 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

**AMENDMENT NO. 2997**

At the request of Mr. SCHUMER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 2997 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

**AMENDMENT NO. 2998**

At the request of Mr. WHITEHOUSE (for himself and Mr. SCHUMER):

S. 2847 A bill to regulate the volume of audio on commercials; to the Committee on commerce, Science, and Transportation.

Mr. WHITEHOUSE. Mr. President, I rise today to introduce the Commercial Advertisement Loudness Mitigation Act of 2009—the CALM Act. I want to thank my original cosponsor Senator SCHUMER for his support of this straightforward and commonsense legislation, which would require the Federal Communications Commission, FCC, to limit the volume of television advertisements to a level no louder than the average volume level of the programs during which the advertisements appear. This time for this Act is overdue. All too often over the years, Americans, sitting down after a long workday or workweek to enjoy their favorite television shows, have been assaulted by commercials at volumes that are degrees of magnitude louder than the shows themselves. The FCC first received enough complaints from viewers to look into the problem in the 1960s—when television was in its earliest stages—but technology did not exist to fix the problem. And so, as consumer complaints piled up, the FCC had to reexamine the loudness issue. Unfortunately, it took no action...
even with the technology improved. The complaints continue to this day; in the 25 quarterly reports on consumer complaints released by the FCC since 2002, 21 have listed as a top complaint the loudness of television commercials.

But now, with the digital transition complete and new broadcast technology available, we can finally take this long-overdue action. We now have a common digital platform used by all broadcasters, which presents a terrific opportunity to standardize the loudness of television commercials so that ad audio is broadcast into our living rooms. As Consumers Union, the nonprofit organization that publishes Consumers Report has stated, in testimony before the House of Representatives, “the CALM Act provides an elegant and commonsense solution to finally ending a forty-five year consumer complaint in the United States.”

The House has already begun its consideration of companion legislation, and I applaud the leadership of Representatives John Conyers on this issue. Consistent with the work of the FCC and the television industry has been deeply involved in the drafting of this legislation, and the standards it adopts are practicable, affordable, and effective. I hope my Senate colleagues will act quickly to pass the CALM Act and finally put an end to this longstanding irritation.

By Ms. MURKOWSKI:

S. 2849. A bill to require a study and report on the feasibility and potential of establishing a deep water sea port in the Arctic to protect and advance strategic United States interests within the evolving and ever more important region; to the Committee on Armed Services.

Ms. MURKOWSKI. Mr. President, as you undoubtedly are aware, the U.S. is an arctic Nation. As such, the U.S. must ensure that not only its economic and environmental interests in the region but also its national defense and homeland security interests. While the U.S. maintains a strong working relationship with the 7 other arctic nations—Canada, Denmark, Finland, Iceland, Norway, the Russian Federation and Sweden—these nations also have their own interests to protect in the arctic region. Despite those relationships, the U.S. cannot assume that these nations will protect our interests in the region. The ability for the U.S. to project its territorial claims and protect its economic interests in the arctic will become increasingly important as the Arctic shipping lanes become more accessible as the seasonal arctic ice decreases. With the high potential for increased industrial and commercial activity in the arctic region, the U.S. must ensure that it is prepared to protect human life as well as the vulnerable arctic environment.

With an expected increase in arctic activity on the horizon, the U.S. cannot wait until our interests in the region are threatened before we act. In that light, the Arctic Deep Water Sea Port Act of 2009 is a major step towards protecting vital U.S. interests in the region. The Arctic Deep Water Sea Port Act of 2009 directs the Secretary of Defense, in consultation with the Secretary of Homeland Security, to conduct a study to determine the feasibility of establishing an ice-breaker port in the arctic to protect U.S. strategic interests in the region. As the lead Departments for National Defense and Homeland Security initiatives for the U.S., the Department of Defense and Department of Homeland Security, while working alongside their subordinate agencies, are best suited for determining and implementing policy decisions that protect U.S. sovereignty and national security.

This two-year study is designed to determine what strategic capabilities a deep water port could provide as well as an optimal location that would provide protection for a wide spectrum of U.S. initiatives. While studying the information collected under contract, this study will also endeavor to determine the resource and timeframe needs to establish such a port, given the complex environmental constraints that the arctic marine environment presents. In the completion of this study, the U.S. will be better positioned to understand the resource and development needs for the arctic region that are required to protect our interests in the region.

Mr. GRASSLEY:

S. 2851. A bill to make permanent certain education tax incentives, to modify rules relating to college savings plans, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, today I am offering legislation to make permanent a number of education-related tax relief measures. My legislation also improves and makes permanent provisions for 529 college savings plans, and the American Opportunity Tax Credit for education.

At the first hearing I held when I became Chairman of the Finance Committee in 2001, I made clear that education tax policy was a priority of mine. As Chairman, I was able to remove the 60-payment limit for deducting student loan interest and I was able to increase the income limits for that deduction. This was not the only time I fought hard to allow students to deduct their student loan interest. In 1997, I was able to re-instate the student loan interest deduction that Congress had eliminated from our tax laws. However, the 60-payment limit on the deductibility of student loan interest remained. I ensured that the 2001 tax relief bill took care of that problem. Other incentives for education that I was able to enact into law in 2001 included raising the amount that can be contributed to an education savings account from $500 to $2,000, making distributions from pre-paid college savings plans and tuition plans tax-free; and making permanent the tax-free treatment of employer-provided educational assistance. These tax policies and many others, including those for school renovations, repairs and construction, have proven their value to Iowa students in dollars and cents, year after year. The tax relief has delivered measurable educational assistance to Iowa students and families nationwide, making education more affordable and accessible.

One draw-back of enacting these provisions in the 2001 tax relief bill, however, is that there was a sunset provision attached to that entire piece of legislation. All of the tax relief needed to be made permanent. Especially the education-related tax provisions. That is what my bill today does. My bill makes these provisions permanent.

It is no coincidence that I am introducing my education tax bill on the day the President of the United States talked about jobs. Our economy demands well-educated workers. The popularity of education-related incentives is good news for workers who find themselves unemployed or who want to go back to school to advance, or even change, their careers. Congress is willing to consider permanent tax relief for education. Why isn’t Congress willing to make an investment in people? That is what tax relief for education is. An investment in our future. It is just as important as job-creating tax incentives for businesses. Some will say we can’t afford this, but we can’t afford to lose billions of dollars of help for Americans working hard to educate their kids.

Education has made this country great. We should not let this opportunity pass us by. We should not let these education-related tax provisions expire. We should also continue to help make education affordable for families and students. This makes education accessible for all. I look forward to working with my colleagues on passing this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD. There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2851

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT OF 1986 CODE. Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment made by, a section of, or a title of, the Code, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. PERMANENT EXTENSION AND INCREASE OF AMERICAN OPPORTUNITY TAX CREDIT.

(a) PERMANENT EXTENSION OF CREDIT; INCREASE OF CREDIT AMOUNT.—Section 22A is amended—

(1) by striking "$1,000" each place it appears in subsection (b)(1) and inserting "$2,000"

(2) by striking "the applicable limit" in subsection (b)(1)(B) and inserting "$4,000".
(b) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting ‘calendar year 2010’ for ‘calendar year 1992’ in subparagraph (B).

If any increase determined under this paragraph is not a multiple of $1,000,000, such increase shall be rounded to the next lowest multiple of $1,000,000.

(c) CREDITS NOT TO BE STRIPPED.—Section 5IE is amended by adding at the end the following new subsection:

(1) E INGENERAL.—Subsection (c) of section 5IA shall not apply with respect to any qualified zone academy bond.

(d) DAVIS-BACON RULES NOT TO APPLY TO QZABs OR SCHOOL CONSTRUCTION BONDS.—Section 1601 of the American Recovery and Reinvestment Act of 2009 is amended by striking paragraphs (3) and (4), by inserting ‘and’ at the end of paragraph (2), and by redesignating paragraph (5) as paragraph (4).

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to obligations issued after December 31, 2010.

(2) DAVIS-BACON RULES.—The amendments made by subsection (d) shall apply to obligations issued after the date of the enactment of such Act.

SECTION 6. PERMANENT EXTENSION OF SCHOOL CONSTRUCTION BONDS.

(a) IN GENERAL.—Subsection (c) of section 5IF is amended—

(1) by striking paragraph (3),

(2) by inserting ‘and’ at the end of paragraph (1), and

(3) by striking ‘for 2010, and’ in paragraph (2) and inserting ‘thereafter’.

(b) ALLOCATIONS FOR INDIAN SCHOOLS.—Paragraph (4) of section 5IF(d) is amended by striking ‘for calendar year 2010’ and inserting ‘for each calendar year after 2009’.

(c) EXTENSION OF SMALL ISSUER EXCEPTION.—The amendment made by this section shall apply to obligations issued after December 31, 2010.

SECTION 7. PERMANENT EXTENSION AND MODIFICATION OF SECTION 146B RULES.

(a) IN GENERAL.—Clause (ii) of section 146B(c)(4)(D) is amended by striking ‘$10,000,000’ and inserting ‘$15,000,000’.

(b) ELIMINATION OF EGTRRA SUNSET.—The amendment made by subsection (a) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provision of such Act to which such amendment relates.

SECTION 3. PERMANENT EXTENSION OF CERTAIN EGTRRA PROVISIONS RELATING TO QZABs AND SCHOOL CONSTRUCTION BONDS.

(a) IN GENERAL.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to the amendments made by sections 401, 402, 411, 412, 413, and 431 of such Act.

(b) CONFORMING AMENDMENT.—Section 222 is amended by striking ‘for calendar year 2010’ and inserting ‘for each calendar year after 2009’.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SECTION 4. PERMANENT EXTENSION OF DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.


(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SECTION 5. PERMANENT EXTENSION OF QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Paragraph (1) of section 54E(c) is amended by striking ‘and, except as provided in paragraph (4), zero thereafter’ and inserting ‘and, except as provided in paragraph (5), $700,000,000 for each calendar year thereafter’.

(b) INFLATION ADJUSTMENT.—Subsection (c) of section 54E(e) is amended by adding at the end the following new paragraph:

‘(5) INFLATION ADJUSTMENT.—In the case of any calendar year after 2011, the $700,000,000 amount prescribed by paragraph (1) shall be increased by an amount equal to—

(A) such amount, multiplied by—

December 8, 2009
Whereas autoimmune diseases are chronic, disabling diseases in which underlying defects in the immune system lead the body to attack its own organs and tissues;
Whereas autoimmune diseases can affect any part of the body, including the blood, bloo vessels, muscles, nervous system, gastrointestinal tract, endocrine glands, and multiple-organ systems, and can be life-threatening;
Whereas researchers have identified over 80 different autoimmune diseases, and suspect at least 40 additional diseases of qualifying as autoimmune diseases;
Whereas researchers have identified a close genetic relationship and a common pathway of disease that exists among autoimmune diseases, clustering the autoimmune diseases in individuals and families;
Whereas the family of autoimmune diseases is under-recognized, and poses a major health care challenge to the United States;
Whereas the National Institutes of Health (NIH) estimates that autoimmune diseases afflict up to 25,000,000 people in the United States, 75 percent of whom are women, and that the prevalence of autoimmune diseases is rising;
Whereas NIH estimates the annual direct health care costs associated with autoimmune diseases at more than $100,000,000,000, with over 250,000 new diagnoses every year;
Whereas autoimmune diseases are among the top 10 leading causes of death in female children and adult women;
Whereas autoimmune diseases most often affect children and young adults, leading to a lifetime of disability;
Whereas diagnostic tests for most autoimmune diseases are not standardized, making autoimmune diseases very difficult to diagnose;
Whereas because autoimmune diseases are difficult to diagnose, treatment is often delayed, resulting in irreparable organ damage and unnecessary suffering;
Whereas the Institute of Medicine of the National Academies reports that the United States is behind other countries in research into immune system self-recognition, the cause of autoimmune disease;
Whereas a study by the American Autoimmune Related Diseases Association revealed that it takes the average patient with an autoimmune disease more than 4 years, and costs more than $50,000, to get a correct diagnosis;
Whereas there is a significant need for more collaboration and cross-fertilization of basic autoimmune research;
Whereas there is a significant need for research focusing on the etiology of all autoimmune diseases, rather than focusing on the basic autoimmune diseases, with a particular focus on the etiology of all autoimmune-related diseases in order to increase understanding of the root causes of these diseases rather than treating the after-effects of the disease has had its destructive effect;
Whereas the National Coalition of Autoimmune Patient Groups is a coalition of national organizations focused on autoimmune diseases, working to consolidate the voices of patients with autoimmune diseases and to promote increased education, awareness, and research into autoimmune diseases through a collaborative approach; and
Whereas designating March 2010 as “National Autoimmune Diseases Awareness Month” will help educate the public about autoimmune diseases and the need for research funding, accurate diagnosis, and effective treatment, therefore, be it
Resolved, That the Senate—
(1) designates March 2010 as “National Autoimmune Diseases Awareness Month”;
(2) supports the health care providers and autoimmune patient advocacy and education organizations to increase awareness of the causes of, and treatments for, autoimmune diseases;
(3) supports the goal of increasing Federal funding for aggressive research to learn the root causes of autoimmune diseases, as well as the best diagnostic methods and treatments for people with autoimmune diseases.
Mr. LEVIN. Mr. President, this resolution designates March 2010 as National Autoimmune Diseases Awareness Month. The purpose of the resolution is to raise awareness of autoimmune diseases and the need for aggressive research to learn the root causes of autoimmune diseases, as well as the best diagnostic methods and treatments for people with autoimmune diseases.
Autoimmune diseases are chronic, disabling diseases in which underlying defects in the immune system lead the body to attack its own organs and tissues. They can affect any part of the body—blood, blood vessels, muscles, nervous system, gastrointestinal tract, endocrine glands, and multiple-organ systems—and can be life-threatening.
Researchers have identified over 80 different autoimmune diseases, including multiple sclerosis, rheumatoid arthritis, juvenile diabetes, Crohn’s disease, scleroderma, polymyositis, lupus, Sjogren’s disease and Graves’ disease, and hundreds of additional diseases of having an autoimmune basis. The National Institutes of Health estimates that autoimmune diseases afflict more than 25 million people in the U.S., 75 percent of whom are women, and the prevalence of autoimmune diseases is rising. However, the family of autoimmune diseases is under-recognized, and this poses a major health care challenge to the U.S. Diagnostic tests for autoimmune diseases are not standardized, which makes autoimmune diseases very difficult to diagnose. Because autoimmune diseases are difficult to diagnose, treatment is often delayed, resulting in irreparable organ damage and unnecessary suffering.
There is a significant need for more collaboration and cross-fertilization of basic autoimmune research, with a particular focus on the etiology of all autoimmune-related diseases in order to increase understanding of the root causes of these diseases rather than treating the after-effects of the disease has had its destructive effect. It is my hope that this resolution will help educate the public about autoimmune diseases and the continued need for research towards accurate diagnosis, and effective treatments.
SA 3032. Mr. LANDRIEU (for himself, Mrs. SHAHAK, Ms. STABENOW, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. RIEDE (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3033. Mr. LANDRIEU (for himself, Mrs. SHAHAK, Ms. STABENOW, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. RIEDE (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3034. Mr. LANDRIEU (for himself, Mrs. SHAHAK, Ms. STABENOW, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. RIEDE (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3035. Mr. LANDRIEU (for himself, Mrs. SHAHAK, Ms. STABENOW, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. RIEDE (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3036. Mr. LANDRIEU (for himself, Mrs. SHAHAK, Ms. STABENOW, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. RIEDE (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3037. Mr. LANDRIEU (for himself, Mrs. SHAHAK, Ms. STABENOW, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. RIEDE (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3038. Mr. LANDRIEU (for himself, Mrs. SHAHAK, Ms. STABENOW, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. RIEDE (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3039. Mr. LANDRIEU (for himself, Mrs. SHAHAK, Ms. STABENOW, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. RIEDE (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3040. Mr. LANDRIEU (for himself, Mrs. SHAHAK, Ms. STABENOW, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. RIEDE (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3041. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. RIEDE (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3042. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. RIEDE (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3043. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. RIEDE (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3044. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. RIEDE (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3045. Mr. KERRY (for himself, Mr. KIRK, Mr. SCHUMER, Mr. GILLIBRAND, Mr. LEAR, Mr. SANDERS, Mr. KAUFMANN) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. RIEDE (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3046. Mr. KERRY (for himself, Ms. STABENOW, Ms. COLLINS, Ms. SNOWE, Mr. WYDEN, Mr. LINCOLN, Mr. JOHNSON, Mr. SPEIGHT, and Mr. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. RIEDE (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3047. Mr. KERRY (for himself, Mr. WYDEN, Mr. WHITEHOUSE, and Mr. REID) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. RIEDE (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3048. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. RIEDE (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3049. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. RIEDE (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3050. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. RIEDE (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3051. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. RIEDE (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.
Mr. Dodd, and Mr. Harkin) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3065. Mr. Ensign submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. Reid (for himself, Mr. Baucus, Mr. Dodd, and Mr. Harkin) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3066. Mr. Ensign submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. Reid (for himself, Mr. Baucus, Mr. Dodd, and Mr. Harkin) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3067. Mr. ENYOR (for himself, Mr. Boxer, and Mr. Rockefeller) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. Reid (for himself, Mr. Baucus, Mr. Dodd, and Mr. Harkin) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3068. Mr. KYL (for himself, Mr. Ron Johnson, Mr. Grassley, Mr. Cruz, Mr. Coburn, Mr. Barrasso, and Mr. Johanns) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. Reid (for himself, Mr. Baucus, Mr. Dodd, and Mr. Harkin) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3069. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. Reid (for himself, Mr. Baucus, Mr. Dodd, and Mr. Harkin) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3070. Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. Reid (for himself, Mr. Baucus, Mr. Dodd, and Mr. Harkin) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3071. Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. Reid (for himself, Mr. Baucus, Mr. Dodd, and Mr. Harkin) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3072. Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. Reid (for himself, Mr. Baucus, Mr. Dodd, and Mr. Harkin) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3073. Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. Reid (for himself, Mr. Baucus, Mr. Dodd, and Mr. Harkin) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3074. Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. Reid (for himself, Mr. Baucus, Mr. Dodd, and Mr. Harkin) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3075. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. Reid (for himself, Mr. Baucus, Mr. Dodd, and Mr. Harkin) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3076. Mr. DURBIN (for himself and Mr. Sanders) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. Reid (for himself, Mr. Baucus, Mr. Dodd, and Mr. Harkin) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3077. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. Reid (for himself, Mr. Baucus, Mr. Dodd, and Mr. Harkin) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3078. Mrs. KLOBUCHAR (for herself and Ms. Sowak) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. Reid (for himself, Mr. Baucus, Mr. Dodd, and Mr. Harkin) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3079. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. Reid (for himself, Mr. Baucus, Mr. Dodd, and Mr. Harkin) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3080. Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. Reid (for himself, Mr. Baucus, Mr. Dodd, and Mr. Harkin) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3081. Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. Reid (for himself, Mr. Baucus, Mr. Dodd, and Mr. Harkin) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3082. Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. Reid (for himself, Mr. Baucus, Mr. Dodd, and Mr. Harkin) to the bill H.R. 3590, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3001. Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. Reid (for himself, Mr. Baucus, Mr. Dodd, and Mr. Harkin) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyer credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 974, between lines 9 and 10, insert the following: SEC. 3316. IMPROVEMENT IN PART D MEDICATION THERAPY MANAGEMENT (MTM) PROGRAMS.

(a) In General.—Section 1861d-4(c)(2) of the Social Security Act (42 U.S.C. 1395w-104(c)(2)) is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (E), (F), and (G), respectively; and

(2) by inserting after subparagraph (B) the following new subparagraph:

‘‘(C) REQUIRED INTERVENTIONS.—For plan years beginning on or after the date that is 2 years after the date of the enactment of this Act, prescription drug plans shall offer medication therapy management services to targeted beneficiaries described in subparagraphs (A)(i) through (A)(iv), the minimum, the following to increase adherence to prescription medications or other goals deemed necessary by the Secretary: An annual comprehensive medication review furnished person-to-person or using telehealth technologies (as defined by the Secretary) by a licensed pharmacist or other qualified provider. The comprehensive medication review—

‘‘(I) shall include a review of the individual’s medications and may result in the creation of a recommended medication action plan or other actions in consultation with the individual and with input from the prescriber to the extent necessary and practical; and

‘‘(II) shall include providing the individual with a written or printed summary of the results of the review.

The Secretary, in consultation with relevant stakeholders, shall develop a standardized format for the action plan under clause (I) and the summary under clause (II).

(3) FOLLOW-UP INTERVENTIONS.—As warranted based on the findings of the annual medication review or the targeted medication enrollment and which may be provided person-to-person or using telehealth technologies (as defined by the Secretary).

‘‘(D) ASSESSMENT.—The prescription drug plan sponsor shall have in place a process to assess at least on a quarterly basis, the medication use of individuals who are at risk but not enrolled in the medication therapy management program, including individuals who have experienced a transition in care, if the prescription drug plan sponsor has access to that information.

(4) AUTOMATIC ENROLLMENT WITH ABILITY TO OPT OUT.—The prescription drug plan sponsor shall have in place a process to—

‘‘(i) subject to clause (ii), automatically enroll targeted beneficiaries described in subparagraph (A)(i), including beneficiaries identified under subparagraph (D), in the medication therapy management program required under this subsection; and

‘‘(ii) permit such beneficiaries to opt-out of enrollment in such program.’’.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall limit the authority of the Secretary of Health and Human Services to modify or broaden requirements for a medication therapy management program under part D of title XVIII of the Social Security Act or to study new models for medication therapy management through the Center for Medicare and Medicaid Innovation under section 1115A of such Act, as added by section 3021.
On page 1722, after line 24, insert the following:

“(C) USE OF TECHNOLOGY.—The Secretary shall incorporate the use of technologies, including predictive modeling techniques, and, as part of the analysis process for the purpose of identifying fraud, abuse, or improper payments prior to the payment of claims. Such analysis technologies shall at a minimum—

“(i) have the capability to detect emerging fraud schemes through the use of automated predictive modeling techniques; and

“(ii) improve the efficiency and effectiveness of current fraud and abuse detection methods by incorporating predictive risk scoring techniques that minimize investigations that result in false positive outcomes.”.

SA 3003. Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

Subtitle —Better Diabetes Care

SEC. 1. SHORT TITLE.

This subtitle may be cited as the “Catalyst to Better Diabetes Care Act of 2009.”

SEC. 2. DIABETES SCREENING COLLABORATION AND OUTREACH PROGRAM.

(a) ESTABLISHMENT.—With respect to diabetes screening tests and for the purposes of reducing the number of undiagnosed seniors with diabetes or prediabetes, the Secretary of Health and Human Services (referred to in this subsection as the “Secretary”), in collaboration with the Director of the Centers for Disease Control and Prevention (referred to in this section as the “Director”), shall—

(1) review uptake and utilization of diabetesscreening benefits to identify and address any existing problems with regard to utilization and data collection mechanisms;

(2) establish programs to identify existing efforts by agencies and by the private and nonprofit sectors to increase awareness among seniors and providers of diabetes screening benefits; and

(3) maximize cost effectiveness in increasing utilization of diabetes screening benefits.

(b) CONSULTATION.—In carrying out this section, the Secretary and the Director shall consult with—

(1) various units of the Federal Government, including the Centers for Medicare & Medicaid Services, the Surgeon General of the Public Health Service, the Agency for Healthcare Research and Quality, the Health Resources and Services Administration, and the National Institutes of Health; and

(2) entities with an interest in diabetes, including industry, voluntary health organizations, trade associations, and professional societies.

SEC. 3. ADVISORY GROUP REGARDING EMPLOYEE WELLNESS AND DISEASE MANAGEMENT BEST PRACTICES.

(a) ESTABLISHMENT.—The Secretary shall establish an advisory group consisting of representatives of the public and private sector. The advisory group shall include—

(1) representatives of the Department of Health and Human Services;

(2) representatives of the Department of Commerce; and

(3) members of the public, representatives of the private sector, and representatives of the small business community, who have experience with diabetes or in administering and operating employee wellness and disease management programs.

(b) DUTIES.—The advisory group established under subsection (a) shall examine and make recommendations of best practices of employee wellness and disease management programs.

(1) provide public and private sector entities with improved information in assessing the role of employee wellness and disease management programs in saving money and improving quality of life for patients with chronic illnesses; and

(2) encourage the adoption of effective employee wellness and disease management programs.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the advisory group established under subsection (a) shall submit to the Secretary the results of the examination under subsection (b)(1).

SEC. 4. NATIONAL DIABETES REPORT CARD.

(a) IN GENERAL.—The Secretary, in collaboration with the Director of the Centers for Disease Control and Prevention (referred to in this section as the “Report Card”), shall—

(1) prepare on a biennial basis a national diabetes report card (referred to in this section as a “Report Card”) and, to the extent possible, for each State,

(b) CONTENTS.—

(1) IN GENERAL.—Each Report Card shall include aggregate health outcomes related to individuals diagnosed with diabetes and prediabetes including—

(A) preventative care practices and quality of care;

(B) risk factors; and

(C) outcomes.

(2) UPDATED REPORTS.—Each Report Card that is prepared after the initial Report Card shall include information on the “Director”, shall—

(3) REGULATIONS.—Not later than one year after the date of the enactment of this Act, the Secretary shall promulgate regulations to implement the requirements of this section.

SEC. 5. IMPROVEMENT OF VITAL STATISTICS COLLABORATION.

(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in collaboration with appropriate agencies and States, shall—

(1) promote the education and training of physicians on the importance of birth and death certificate data and how to properly complete these documents, including the collection of such data for diabetes and other chronic diseases;

(2) encourage State adoption of the latest standard revisions of birth and death certificates;

(b) DEATH CERTIFICATES ADDITIONAL LANGUAGE.—In carrying out this section, the Secretary may promulgate regulations to require the use of the following language in the death certificate to modify the current code for diabetes to include a manner that ensures that such information is readily accessible by the public.

(3) REGULATIONS.—Not later than one year after the date of the enactment of the Patient Protection and Affordable Care Act, the Secretary shall promulgate regulations to implement the requirements of this subsection.

SEC. 6. STUDY ON APPROPRIATE LEVEL OF VITAMIN D SUPPLEMENTATION.

(a) IN GENERAL.—The Secretary shall, in collaboration with the Institute of Medicine and appropriate associations and councils, conduct a study of the impact of vitamin D on the practice of medicine in the United States and the appropriateness of the level of diabetestreatment and educational programs that are required prior to licensure, board certification, and board recertification.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit a report on the study under subsection (a) to the Committees on Ways and Means and Energy and Commerce of the House of Representatives and the Committees on Finance and Health, Education, Labor, and Pensions of the Senate.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle such sums as may be necessary.

SA 3004. Mrs. HAGAN (for herself and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, after line 24, add the following:

“(4) CLEAR TRANSPARENCY OF HEALTH CARE CHARGES.—

“(1) PUBLIC DISCLOSURE OF REIMBURSEMENT ARRANGEMENTS.—A health insurance issuer offering group or individual health insurance coverage shall report at least once a year to the Secretary the current allowable reimbursement rate that the issuer will pay for all covered benefits and services (other than prescription medications dispensed through a licensed pharmacy), including—

“(A) with respect to services provided by in-network providers where payment is made in part or in full on a fee for service basis, the current allowed charge for specific services using currently accepted procedure coding associated with each provider; and

“(B) the expected reasonable and allowed charges made for services by out-of-network providers, and the amount the issuer would reimburse for such charges.

“(2) ACCESSIBILITY.—Information submitted to the Secretary under paragraph (1) shall be maintained by the issuer in a manner that ensures that such information is readily accessible by the public.

“(3) REGULATIONS.—Not later than one year after the date of enactment of the Patient Protection and Affordable Care Act, the Secretary shall promulgate regulations to implement the requirements of this subsection.”.

SA 3005. Ms. LANDRIEU (for herself, Mrs. SHAHEEN, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 150, line 5, strike “small business development centers” and insert “resource partners of the Small Business Administration”.

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and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 2074, between lines 18 and 19, insert the following:

(VIII) small business concerns (as defined under section 3 of the Small Business Act (15 U.S.C. 632)) and self-employed individuals; and

SEC. 9007. Ms. LANDRIEU (for herself, Mrs. SHAHEEN, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 163, between lines 21 and 22, insert the following:

(4) a survey of the cost and affordability of health care insurance provided under the Exchanges for owners and employees of small businesses (as defined under section 3 of the Small Business Act (15 U.S.C. 632)), including data on enrollees in Exchanges and individuals purchasing health insurance coverage outside of Exchanges; and

SEC. 9008. Ms. LANDRIEU (for herself, Ms. SNOWE, and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 2074, after line 25, add the following:

SEC. 9024. EXTENSION OF SMALL BUSINESS TAX CREDIT TO 5 YEARS.

(a) IN GENERAL.—Section 45R(i) of the Internal Revenue Code of 1986, as added by section 121(a), is amended by striking “2- consecutive-taxable-year” and inserting “5- consecutive-taxable-year”.

(b) CONFORMING AMENDMENT.—Section 45R(i) of the Internal Revenue Code of 1986, as so added, is amended by striking “2-year” and inserting “5-year”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 121.

SEC. 9013. Ms. LANDRIEU (for herself, Mrs. SHAHEEN, and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 274, after line 25, add the following:

SEC. 9024. EXTENSION OF SMALL BUSINESS TAX CREDIT TO 5 YEARS.

(a) IN GENERAL.—Paragraph (4) of section 162(f) of the Internal Revenue Code of 1986 is amended to read as follows:

“(4) REDUCED DEDUCTION FOR SELF-EMPLOYMENT TAXES.—In determining an individual’s net earnings from self-employment (within the meaning of section 1402(a)) for purposes of chapter 2 of part II, the deduction allowable by reason of section 162(f) shall be reduced by an amount equal to 50 percent of the amount which would otherwise be allowable (determined without regard to this paragraph).”;

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 9014. Ms. LANDRIEU (for herself, Mrs. SHAHEEN, and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 2074, after line 25, add the following:

SEC. 9024. EXTENSION OF SMALL BUSINESS TAX CREDIT TO 5 YEARS.

(a) IN GENERAL.—Paragraphs (d)(3)(B)(i) and (g) of section 45R of the Internal Revenue Code of 1986, as added by section 1421(a),
amendment made by that Act, any taxpayer who—
\[(1)\] is a citizen or national of the United States; and
\[(2)\] has a household income which is not greater than 133 percent of an amount equal to the poverty line for a family of the size involved.

May elect to enroll in a qualified health plan through the Exchange established by the State under section 1311 of the Patient Protection and Affordable Care Act instead of enrolling in the State Medicaid plan under title XIX of the Social Security Act, or under a waiver of such plan.

\[(i)\] SPECIAL RULES.—
\[\text{(D)\} an individual making an election under clause (i) shall waive being provided with medical assistance under the State Medicaid plan under title XIX of the Social Security Act, or under a waiver of such plan.

\[\text{(II) In the case of an individual who is a child, the child's parent or legal guardian may make such an election on behalf of the child.}\]

\[\text{(III) Any individual making such an election, or on whose behalf such an election is made, shall be treated as an applicable taxpayer with a household income which is equal to 100 percent of the poverty line for a family of the size involved.}\]

\[\text{At the appropriate place, insert the following:}\]

\[\text{SEC. 1202. APPLICATION OF WELLNESS PROVISIONS TO CARRIERS PROVIDING FEDERAL EMPLOYEE HEALTH BENEFITS PLANS.}\]

\[\text{(a) IN GENERAL.—Notwithstanding section 8906 of title 5, United States Code, is amended by adding at the end the following new subsection:}\]

\[\text{‘‘(r) TREATMENT OF HEALTH SAVINGS ACCOUNTS AS RETIREMENT FUNDS.}\]

\[\text{SEC. 3115. ENSURING THAT AN INDIVIDUAL WHO ELECTS TO OPT-OUT OF SOCIAL SECURITY BENEFITS IS NOT ALSO REQUIRED TO OPT-OUT OF MEDICARE PART A BENEFITS.}\]

\[\text{Notwithstanding any other provision of this Act, any individual appointed by the President as a czar to handle health care issues shall be subject to Senate confirmation.}\]

\[\text{SEC. 1017. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:}\]

\[\text{At the appropriate place, insert the following:}\]

\[\text{SEC. 3020. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:}\]

\[\text{At the appropriate place, insert the following:}\]

\[\text{SEC. 3021. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:}\]

\[\text{On page 816, after line 20, insert the following:}\]

\[\text{SEC. 3115. ENSURING THAT AN INDIVIDUAL WHO ELECTS TO OPT-OUT OF MEDICARE PART A BENEFITS IS NOT ALSO REQUIRED TO OPT-OUT OF SOCIAL SECURITY BENEFITS.}\]

\[\text{Notwithstanding any other provision of law, in the case of an individual who elects to opt-out of benefits under part A of title XVIII of the Social Security Act, such individual shall not be required to opt-out of any of the benefits under part A of title XVIII of the Social Security Act.}\]
benefits under title II of such Act as a condition for making such election.

SA 3022. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyer credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 316. LIMITATION ON IMPLEMENTATION.

Notwithstanding any other provision of law, the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall not implement the amendments made by and the provisions of this part for any year unless the Secretary certifies with respect to such year that such amendments and provisions will not result in any individual who would otherwise be enrolled in a Medicare Advantage plan under part D of the Social Security Act being forced away from or losing their enrollment in such plan, as such enrollment was in effect on the day before the date of enactment of this Act.

SA 3023. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1053, between lines 2 and 3, insert the following:

SEC. 3404. ENSURING MEDICARE SAVINGS ARE KEPT IN THE MEDICARE PROGRAM.

No reduction in outlays under the Medicare program under title XVIII of the Social Security Act, or provisions of this Act, as those amendments made by this Act may be utilized to offset any outlays under any other program or activity of the Federal government.

SA 3024. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 316. LIMITATION ON USING MEDICARE SAVINGS TO OFFSET PROGRESSIVE TAXES RELATED TO MEDICARE.

Title III of the Congressional Budget Act of 1974 (2 U.S.C. 631 et seq.), is amended by adding at the end the following:

"SEC. 316. LIMITATION ON USING MEDICARE SAVINGS TO OFFSET PROGRESSIVE TAXES RELATED TO MEDICARE.

For purposes of this title and title IV, a reduction in outlays under title XVIII of the Social Security Act may not be counted as an offset to any outlays under any other program or activity of the Federal Government.

SA 3025. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1056, between lines 9 and 10, insert the following:

"(b) REDUCTIONS IN MEDICARE PROGRAM SPENDING NOT COUNTED TOWARDS THE PAY-AS-YOU-GO SCORECARD.—Any reductions in Medicare program spending enacted pursuant to this section shall not count towards the pay-as-you-go scorecard.".

SA 3026. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1054, between lines 7 and 8, insert the following:

"(d) ADDITIONAL HOSPITAL INSURANCE TAX SOLIDLY DEDICATED TO MEDICARE.—It is the policy of Congress that the additional hospital insurance tax that results from the amendments made by this section shall, as is the case regarding such taxes under the Social Security Act as in effect on the date of enactment of this Act, be deposited into the Federal Hospital Insurance Trust Fund and under the terms of that Trust Fund used only for purposes of funding the Medicare program pursuant to part A of title XVIII of the Social Security Act.

SA 3027. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1063, between lines 14 and 15, insert the following:

SEC. 2008. STATE OPTION TO OPT-OUT OF MEDICARE COVERAGE FOR MEDICAL EQUIPMENT USED IN THE TREATMENT OF CIRCULATORY DISEASES.

(a) STUDY.—The Secretary of Health and Human Services shall conduct a study on the feasibility and advisability of providing reimbursement under the Medicare program pursuant to title XVIII of the Social Security Act for gradient pumps and compression stockings that are used in the treatment of individuals with lymphedema, chronic venous insufficiency, and other circulatory diseases. Such study shall include an analysis of the following:

(1) The types of gradient pumps and compression stockings that are currently available on the market.

(2) The clinical appropriateness of providing gradient pumps and compression stockings for Medicare beneficiaries who have been diagnosed with lymphedema, chronic venous insufficiency, and other circulatory diseases.

(3) The financial impact on the Medicare program (including a description of any resulting costs or savings) if reimbursement were to be provided for gradient pumps and compression stockings that are used in the treatment of lymphedema, chronic venous insufficiency, and other circulatory diseases.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall submit a report to Congress on the study conducted under subchapter B of title XVIII under such study, with recommendations for such legislation and administrative action as the Secretary determines appropriate.

SA 3029. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 356, between lines 19 and 20, insert the following:

"(1) LIMITATION.—A full-time employee shall not be taken into account for purposes of calculating the amount of any assessable payment imposed under subsections (a), (b), or (c) if such employee performs the major responsibility of the Armed Forces in a State plan under title XIX certifies that such expansion would result in an increase of at least 1 percent in the total amount of expenditures by the State for providing medical assistance to all individuals enrolled under the State plan, when compared to the total amount of such expenditures for the most recently ended State fiscal year.

SA 3028. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 316. STUDY AND REPORT ON MEDICARE COVERAGE FOR MEDICAL EQUIPMENT USED IN THE TREATMENT OF CIRCULATORY DISEASES.

(a) STUDY.—The Secretary of Health and Human Services shall conduct a study on the feasibility and advisability of providing reimbursement under the Medicare program pursuant to title XVIII of the Social Security Act for gradient pumps and compression stockings that are used in the treatment of individuals with lymphedema, chronic venous insufficiency, and other circulatory diseases. Such study shall include an analysis of the following:

(1) The types of gradient pumps and compression stockings that are currently available on the market.

(2) The clinical appropriateness of providing gradient pumps and compression stockings for Medicare beneficiaries who have been diagnosed with lymphedema, chronic venous insufficiency, and other circulatory diseases.

(3) The financial impact on the Medicare program (including a description of any resulting costs or savings) if reimbursement were to be provided for gradient pumps and compression stockings that are used in the treatment of lymphedema, chronic venous insufficiency, and other circulatory diseases.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall submit a report to Congress on the study conducted under subchapter B of title XVIII under such study, with recommendations for such legislation and administrative action as the Secretary determines appropriate.

SA 3029. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 356, between lines 19 and 20, insert the following:

"(1) IMMUNITY.—A full-time employee shall not be taken into account for purposes of calculating the amount of any assessable payment imposed under subsections (a), (b), or (c) if such employee performs the major responsibility of the Armed Forces in a State plan under title XIX certifies that such expansion would result in an increase of at least 1 percent in the total amount of expenditures by the State for providing medical assistance to all individuals enrolled under the State plan, when compared to the total amount of such expenditures for the most recently ended State fiscal year.

"(1) the unemployment rate of which exceeds 6 percent, and

(2) the Governor of any State that has certified that any assessable penalties imposed under this section have contributed to such unemployment rate.".
SA 3030. Mrs. FEINSTEIN (for herself, Mr. ROCKEFELLER, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3950, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, strike line 10 through line 14 and insert the following:

(1) in general.

(A) ESTABLISHMENT.—The Secretary, in conjunction with States, shall establish a uniform process for the annual review, beginning with the 2010 plan year and subject to subsection (b)(2)(A), of unreasonable increases in premiums for health insurance coverage.

(B) ELECTRONIC REPORTING.—The process established under subparagraph (A) shall include an electronic reporting system established through which health insurance issuers shall report to the Secretary and State insurance commissioners the information requested by the Secretary in this subsection.

On page 37, between lines 24 and 25, insert the following:

(3) HEALTH INSURANCE RATE AUTHORITY.—

(A) IN GENERAL.—The Secretary shall establish a Health Insurance Rate Authority referred to in this paragraph as the ‘Authority’) to be composed of 7 members to be appointed by the Secretary, of whom—

(i) at least 2 members shall be a consumer advocate with expertise in the insurance industry;

(ii) at least 1 member shall be an individual who is a medical professional;

(iii) at least 1 member shall be a representative of health insurance issuers; and

(iv) such remaining members shall be individuals who are recognized for their expertise in health finance and economics, actuarial science, health facility management, health services research, and other related fields, who provide broad geographic representation and a balance between urban and rural members.

(B) ROLE.—In addition to the other duties of the Authority set forth in this subsection, the Authority shall advise and make recommendations to the Secretary or the relevant State insurance commissioner may prioritize—

(A) rate increases which exceed market averages;

(B) rate increases which will impact large numbers of consumers; and

(C) rate reviews requested from States, if applicable.

(4) CORRECTIVE ACTION FOR UNJUSTIFIED RATE INCREASES.—

(A) IN GENERAL.—Pursuant to the procedures set forth in this paragraph, the Secretary or the relevant State insurance commissioner shall—

(i) identify potentially unreasonable rate increases and determine whether such increases are justified; and

(ii) take action to ensure that any rate increase identified based on clause (i) is corrected, through mechanisms including—

(I) denial of the rate increase;

(II) modification of the rate delivery system;

(III) ordering rebates to consumers; or

(IV) any other actions that correct for the unjustified increase.

(B) PREPARATION OF ANNUAL REPORT.—The Secretary shall ensure that, not later than 6 months after the date of enactment of the Patient Protection and Affordable Care Act, the National Commission on Insurance Commissioners (referred to in this section as the ‘Commission’), in conjunction with States, or other appropriate body, will provide to the Secretary and the Authority a report on—

(i) State authority to review rates in each insurance market, and methodologies used in such reviews;

(ii) rating requests received by the State in the previous 12 months and subsequent actions taken by States to approve, deny, or modify such rate requests; and

(iii) justifications by insurance issuers for rate requests.

(C) DETERMINATION OF WHO CONDUCTS REVIEWS FOR EACH STATE.—Using the report submitted pursuant to subparagraph (B), the Secretary shall determine not later than 1 year after the date of enactment of the Patient Protection and Affordable Care Act—

(i) based on the Secretary’s determination that the State has sufficient authority and capability to deny rates, modify rates, provide rebates, or take other corrective actions; and

(ii) as a condition of receiving a grant under subsection (c)(1); and

(iii) for which States the Secretary shall undertake the actions described in subparagraph (A), based on the Secretary’s determination that such States lacks the authority and capability described in clause (i).

(D) TRANSITION PERIOD.—Until the Secretary makes the determinations described in subparagraph (C), the relevant State insurance commissioner may as a condition of receiving a grant under subsection (c)(1), carry out the actions described in subparagraph (A).

(E) SUNSET.—Beginning on the date on which subsection (b)(2)(A) applies, the requirements of this paragraph shall no longer have force or effect.

(5) PRIORITIZING PROPOSED PREMIUM INCREASES FOR REVIEW.—In determining which proposed premium increases to review under this subsection, the Secretary or the relevant State insurance commissioner may prioritize—

(A) rate increases which exceed market averages;

(B) rate increases which will impact large numbers of consumers; and

(C) rate reviews requested from States, if applicable.

(6) ANNUAL REPORT.—

(A) UNIFORM DATA COLLECTION SYSTEM.—The Secretary, in consultation with the Authority and the State insurance commissioner shall, as a condition of receiving a grant under subsection (c)(1), carry out the action described in subparagraph (A).

(B) IN GENERAL.—The Secretary, in consultation with the Authority and the State insurance commissioner shall, as a condition of receiving a grant under subsection (c)(1), carry out the action described in subparagraph (A).

(C) PREPARATION OF ANNUAL REPORT.—

Using the data obtained in accordance with subparagraph (A), the Authority shall annually produce a single, aggregate report on insurance market behavior, which includes—

(i) a description of rate increases for rates in one year to the next, including by issuer and by market and including medical trends, benefit changes, and relevant demographic changes; and

(ii) a national growth rate percentage for every issuer, which shall be based on aggregated data of such issuer from premium sales in the fiscal year;

(D) DISTRIBUTION.—The Authority shall share the annual report described in subparagraph (B) with States, and include such recommendations in the information disclosed to the public.

(E) RECOMMENDATION ON EXCHANGE PARTICIPATION.—

(A) IN GENERAL.—Based on the information provided pursuant to this subsection and other relevant information, the official described in subparagraph (B) shall make recommendations to State Exchanges about whether particular health insurance issuers should be excluded from participation in the Exchange based on a reasonable premium increases, low medical loss ratios, or market conduct.

(B) REVIEWING OFFICIAL.—Either the Secretary or the relevant State insurance commissioner may, based on the determination in paragraph (4)(C), shall make the recommendations described in subparagraph (A).

On page 144, line 12, strike ‘‘may’’ and insert ‘‘shall’’.

SA 3031. Mr. WHITEHOUSE (for himself and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3950, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1507, after line 19, insert the following:

SEC. 3510. SUPPORT OF GRADUATE MEDICAL EDUCATION PROGRAMS IN WOMEN’S HOSPITALS.

Subpart II of part D of title III of the Public Health Service Act (42 U.S.C. 256e et seq.) is amended—

(1) in the subpart heading, by adding ‘‘and Women’s Hospitals’’ after the period; and

(2) by adding at the end the following:

SEC. 340E-1. SUPPORT OF GRADUATE MEDICAL EDUCATION PROGRAMS IN WOMEN’S HOSPITALS.

(a) PAYMENTS.—The Secretary shall make two payments under this section to each women’s hospital for each of fiscal years 2010 through 2014, one for the direct expenses and the other for indirect expenses associated with operating approved graduate medical residency training programs. The Secretary shall promulgate regulations pursuant to the rulemaking requirements of title 5, United States Code, which shall govern payments made under this subsection.

(b) AMOUNT OF PAYMENTS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the amounts payable under this section to a women’s hospital for an approved graduate medical residency training program for a fiscal year shall be each of the following:

(A) DIRECT EXPENSE AMOUNT.—The amount determined in accordance with subsection (c) for direct expenses associated with operating approved graduate medical residency training programs for a fiscal year.

(B) INDIRECT EXPENSE AMOUNT.—The amount determined in accordance with subsection (c) for indirect expenses associated with the treatment of more severely ill patients and the additional costs relating to teaching residents in such programs for a fiscal year.

(C) CAPPED AMOUNT.—

(A) IN GENERAL.—The total of the payments made to women’s hospitals under paragraph (1) for a fiscal year shall not exceed the funds appropriated under subsection (e) for such payments for that fiscal year.

(B) PRO RATA REDUCTIONS OF PAYMENTS.—If the Secretary determines that the amount of funds appropriated under subsection (e) for a fiscal year is insufficient to provide the total amount of payments otherwise due for a fiscal year, the Secretary shall reduce the amounts so payable on a pro rata basis to reflect such shortfall.

(Signed)

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"(3) ANNUAL REPORTING REQUIRED.—The provisions of subsection (b)(3) of section 330E shall apply to women’s hospitals under this section in the same manner as such provisions apply to women’s hospitals under such section 330E. In applying such provisions, the Secretary may make such modifications as may be necessary to apply such provisions to such hospitals.

"(c) APPLICATION OF CERTAIN PROVISIONS.—The provisions of subsections (c) and (d) of section 340E shall apply to women’s hospitals under this section in the same manner as such provisions apply to other hospitals under such section 340E. In applying such provisions, the Secretary may make such modifications as may be necessary to apply such provisions to such hospitals.

"(d) MAKING OF PAYMENTS.—

"(1) INTERIM PAYMENTS.—The Secretary shall determine, before the beginning of each fiscal year involved for which payments may be made for a hospital under this section, the amounts of the payments for direct graduate medical education and indirect medical education for such fiscal year and shall subject to such amounts in 12 equal interim installments during such period. Such interim payments to each individual hospital shall be based on the number of residents trained during the hospital’s most recently completed Medicare cost reporting period.

"(2) RECONCILIATION.—The Secretary shall withhold up to 25 percent from each interim installment for direct and indirect graduate medical education paid under paragraph (1) as necessary to ensure a hospital will not be overpaid on an interim basis.

"(3) RICOHONCILATION.—Prior to the end of each fiscal year, the Secretary shall determine any changes to the number of residents reported by a hospital in the application of the hospital for the current fiscal year to determine the final amount payable to the hospital for the fiscal year for both direct and indirect expense amounts. Based on such determination, the Secretary shall recoup any overpayments made and pay any underpayments to the extent of the final amount so determined. The final amount so determined shall be considered a final reimbursement for the purposes of section 1878 of the Social Security Act and shall be subject to administrative and judicial review under this section in the same manner as the amount of payment under section 1886(d) of such Act is subject to review and judicial review under such section.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $12,000,000 for fiscal year 2010, and such sums as may be necessary for each fiscal year 2011 through 2014.

"(f) DEFINITIONS.—In this section—

"(1) APPROVED GRADUATE MEDICAL RESIDENCY TRAINING PROGRAM.—The term ‘approved graduate medical residency training program’ is the term ‘approved medical residency training program’ in section 1886(h)(5)(A) of the Social Security Act.

"(2) DIRECT GRADUATE MEDICAL EDUCATION COSTS.—The term ‘direct graduate medical education costs’ has the meaning given such term in section 1886(h)(5)(C) of the Social Security Act.

"(3) WOMEN’S HOSPITAL.—The term ‘women’s hospital’ means a hospital—

"(A) that has a Medicare provider agreement under title XVIII of the Social Security Act;

"(B) that has an approved graduate medical residency training program under paragraph (1);

"(C) that has not been excluded from the Medicare prospective payment system;

"(D) that had at least 3,000 births during 2007, as determined by the Centers for Medicare and Medicaid Services; and

"(E) with respect to which and as determined by the Centers for Medicare and Medicaid Services, the number of residents trained during the hospital’s most recently completed Medicare cost reporting period from individuals who, as of the date of discharge—

"(i) were enrolled in the original Medicare fee-for-service program under part A of title XVIII of the Social Security Act; and

"(ii) were not covered under such program.

"(2) the term ‘NAIC’ means the National Association of Insurance Commissioners.

"(3) COLLECTION OF DATA.—The Secretary shall have the authority to collect and audit data from entities described in paragraph (1) necessary to implement the database, except that, in the case of entities subject to the Employee Retirement Income Security Act of 1974, such data shall be collected by the Secretary of Labor for use by the Secretary of Labor and the Secretary of Health and Human Services to whom the Secretary refers such data.

"(4) DATA PROTECTION AND PRIVACY.—The Secretary and the Secretary of Labor shall ensure the confidentiality and privacy of any claims data submitted pursuant to this section, including claims data submitted under this subsection. In carrying out this section, the Secretary shall promulgate a proposed regulation to ensure that such data is protected against any violation of confidentiality and contains in individuals’ medical records. Within 180 days of such promulgation, the Comptroller General shall publish a report on the adequacy of such protection in the Federal Register. The database shall not include names, unencrypted Social Security numbers, addresses, or other information that may uniquely identify an individual.

"(5) TABULATION; CLASSIFICATION.—The Secretary shall work with the NAIC to develop a procedure for centralized tabulation and classification of consumer complaints related to claims handling, appeals, and reviews by the entities described in paragraph (1).

"(c) IMPLEMENTATION.—The Secretary shall implement the database not later than 2 years after the date of enactment of this section.

"(d) DISSEMINATION.—The Secretary shall make the database available to State insurance regulators, health exchanges, and consumers, and the Secretary shall certify that such entities ensure the confidentiality and privacy of medical records and comply with all existing privacy laws, and shall update the database on a quarterly basis.

"(e) REPORTING.—Not later than January 1, 2013, and on an annual basis thereafter, the Secretary shall issue a report assessing the performance of the plans and issuers described in subsection (b)(1)(A) regarding claims handling, appeals, and reviews. Such report shall assess whether there is evidence of a pattern of denial or delay of medically necessary claims or appeals.

"(f) PROHIBITION OF REMUNERATION.—It is the sense of Congress that claims handling, appeals, and reviews by the entities described in paragraph (1) not be remunerated by the entities described in such paragraph.

"(g) USE OF DATABASE.—The Secretary shall make the database available to the appropriate ‘deeming authority’ for the purposes of this section, and shall promulgate such regulations as may be necessary to apply such provisions to such hospitals.
care case-management system (described in section 1915(b)(1)), a medicare managed care organization, or a similar entity shall not prohibit a particular hospital, physician or other entity from discharging or providing care for beneficiaries from being qualified to perform a service or services because of a separate policy of the State plan, system, organization, or entity that does not recognize the provider. A provider that does not recognize the provider has been certified or awarded national recognition accreditation of the appropriate 'deeming authority' from the Secretary after submission of a written statement that the provider meets the acceptable level of quality performance.

(5) EFFECTIVE DATE.—The amendments made by this section take effect on the date of enactment of this Act and, in the case of MA organizations under part C of title XVIII of the Social Security Act, apply to plans years beginning after that date.

SA 3034. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of borrowers who are not recognized by a governmental agency or a national organization to be certified as a first-time homebuyer; and

(a) IN GENERAL.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by inserting after section 1602 the following:

**SEC. 1603. CAPITAL INFRASTRUCTURE REVOLVING LOAN PROGRAM FOR RURAL ENTITIES.**

(a) AUTHORITY TO MAKE AND GUARANTEE LOANS.—

(A) IN GENERAL.—The Secretary may make loans from the fund established under section 1602(d) to any rural entity for projects for capital improvements, including—

(A) the acquisition of software and hardware necessary to implement electronic health records as required under section 3011;

(B) the acquisition of land necessary for the capital improvements;

(C) the renovation or modernization of any building; and

(D) the acquisition or repair of fixed or major movable equipment; and

(E) such other project expenses as the Secretary determines appropriate.

(B) INTEREST SUBSIDIES.—In the case of a guarantee of any loan made to a rural entity under subparagraph (A), the Secretary may pay to the holder of such loan, for and on behalf of the project for which the loan was made, amounts sufficient to reduce (by not more than 3 percent) the net effective interest rate which is payable on such loan.

(C) AMOUNT OF LOAN.—The principal amount of a loan directly made or guaranteed under subsection (a) for a project for capital improvement may not exceed $3,500,000.

(D) FUNDING LIMITATIONS.—

(1) GOVERNMENT CREDIT SUBSIDY EXPENSE.—The Government credit subsidy expense under the Federal Credit Reform Act of 1990 scoring protocol with respect to the loans outstanding at any time with respect to which guarantees have been issued, or which have been directly made, under subsection (a) may not exceed $500,000 per year.

(2) TOTAL AMOUNTS.—Subject to paragraph (1), the total of the principal amount of all loans directly made or guaranteed under subsection (a) may not exceed $400,000,000 per year.

(3) CAPITAL ASSESSMENT AND PLANNING GRANTS.—

(A) NONREPAYABLE GRANTS.—Subject to paragraph (2), the Secretary may make grants under this subsection that may not exceed $2,500,000 per year.

(b) RURAL ENTITY DEFINED.—Section 1624 of the Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

(3) to an act or omission by a health care professional that constitutes willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by such professional.

(c) DEFINITION.—In this section—

(1) the term ‘medically underserved individual’ means an individual who does not have health care coverage through a group health plan, health insurance coverage, or any other health care coverage program; and

(2) the term ‘indigent individual’ means an individual who is not covered under a medicaid or medicare program or other Federal health care services that are provided to the individual.

SA 3036. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. 2. DISASTER VOLUNTEER HEALTH CARE PROFESSIONAL PROTECTION.**

(A) LIMITATION ON LIABILITY.—Withstanding any other provision of law, with respect to an area in which a major disaster has been declared in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5721 et seq.), a health care professional who is providing health or dental services on a voluntary basis in such area, or a non-resident victim of the disaster involved, shall not be liable for damages in a medical malpractice lawsuit for a cause of action arising out of an act or omission of such professional in providing the services involved.

(b) REQUIREMENTS.—Subsection (a) shall not apply—

(1) to any act or omission by a health care professional that is outside the scope of the services for which such professional is deemed to be licensed or certified to provide, unless such act or omission can reasonably be determined to be necessary to prevent serious bodily harm or preserve the life of the individual being treated;

(2) if the services on which the medical malpractice claim is based did not arise out of the rendering of voluntary care in the disaster area or were provided to an individual who was not a victim of the disaster;

(3) to an act or omission by a health care professional that constitutes willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by such professional.
SA 3037. Mr. JOHNSON (for himself, Mr. FRANKEN, Mr. BURRIS, and Mr. WARDLOW) introduced a bill to amend—

SEC. 2008. EXTENSION OF ARRA INCREASE IN FMAP.—

(a) NATIONAL ECONOMIC DOWNTURN ASSISTANCE FMAP.—In general.—Section 1905 of the Social Security Act (42 U.S.C. 1396d), as amended by sections 2001(a)(3), 2006, 4106(b), and 4107, is amended—

(1) by striking—

(i) the first reference to paragraph (1); and

(ii) the first reference to section 1905(m)(2)(A)(xii) and after "with respect to fiscal years"; and after "and for the provision of such data to the Secretary";

and

(2) by inserting before paragraph (1) the following:

"(i) STATE INCREASE IN ROLLING AVERAGE MEDICAL ASSISTANCE PERCENTAGE DURING PERIODS OF NATIONAL ECONOMIC DOWNTURN.—

For purposes of clause (6) of section 1905(m)(2)(A)(xii) as in effect on October 1, 2010, the percentage (determined in accordance with the methodology described in paragraph (1)) shall apply to a State for any quarter occurring during a national economic downturn assistance period described in subsection (cc)(2) for the State for the quarter under subsection (cc)(1) preceding the corresponding quarter for the most recent preceding 12-month period for which data are available in accordance with the methodology described in paragraph (1) of section 1905(m)(2)(A)(xii) as in effect on October 1, 2010.

(ii) STATE INCREASE IN ROLLING AVERAGE MEDICAL ASSISTANCE PERCENTAGE DURING PERIODS OF NATIONAL ECONOMIC DOWNTURN.—

For purposes of clause (6) of section 1905(m)(2)(A)(xii) as in effect on October 1, 2010, the percentage (determined in accordance with the methodology described in paragraph (1)) shall apply to a State for any quarter occurring during a national economic downturn assistance period described in subsection (cc)(2) for the State for the quarter under subsection (cc)(1) preceding the corresponding quarter for the most recent preceding 12-month period for which data are available in accordance with the methodology described in paragraph (1) of section 1905(m)(2)(A)(xii) as in effect on October 1, 2010.

(iii) the first reference to paragraph (1); and

(iv) the first reference to section 1905(m)(2)(A)(xii) and after "with respect to fiscal years"; and after "and for the provision of such data to the Secretary";

and

(3) by inserting before paragraph (1) the following:

"(i) the first reference to paragraph (1); and

(ii) the first reference to section 1905(m)(2)(A)(xii) and after "with respect to fiscal years"; and after "and for the provision of such data to the Secretary";

and

(4) by inserting before paragraph (1) the following:

"(i) the first reference to paragraph (1); and

(ii) the first reference to section 1905(m)(2)(A)(xii) and after "with respect to fiscal years"; and after "and for the provision of such data to the Secretary";";

and

(5) by inserting before paragraph (1) the following:

"(i) the first reference to paragraph (1); and

(ii) the first reference to section 1905(m)(2)(A)(xii) and after "with respect to fiscal years"; and after "and for the provision of such data to the Secretary";";

and

(6) by inserting before paragraph (1) the following:

"(i) the first reference to paragraph (1); and

(ii) the first reference to section 1905(m)(2)(A)(xii) and after "with respect to fiscal years"; and after "and for the provision of such data to the Secretary";".

Section 5001 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended—

2. Effective date.—The amendments made by this section shall apply to contracts entered into or renewed on or after January 1, 2010.

Mr. ROCKEFELLER submittted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit for the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 436, between lines 14 and 15, insert the following:

"(cc) NATIONAL ECONOMIC DOWNTURN ASSISTANCE FMAP.—For purposes of clause (6) of subsection (a)—

(1) NATIONAL ECONOMIC DOWNTURN ASSISTANCE PERIOD.—A national economic downturn assistance period described in paragraph (1) occurs—

(A) with respect to a fiscal year quarter, if the rolling average unemployment rate for that quarter is less than the corresponding quarter for the most recent preceding 12-month period for which data are available in accordance with the methodology referred to in the trigger quarter; and

(B) with respect to a fiscal year quarter, if the rolling average unemployment rate for that quarter is less than the corresponding quarter for the most recent preceding 12-month period for which data are available in accordance with the methodology referred to in the trigger quarter; and";

and

(2) ELIGIBLE STATE.—A State described in paragraph (1) of subsection (a) for which the Secretary determines that the rolling average unemployment rate for the State for any quarter occurring during a national economic downturn assistance period described in paragraph (1) has increased over the corresponding quarter for the most recent preceding 12-month period for which data are available in accordance with the methodology referred to in the trigger quarter; and

(3) DETERMINATION OF NATIONAL ECONOMIC DOWNTURN ASSISTANCE FMAP.—

(A) In general.—The national economic downturn assistance FMAP for a fiscal year quarter determined with respect to a State under this paragraph is equal to the Federal medical assistance percentage for the State for that quarter increased by the number of percentage points determined by—

(i) dividing—

(I) the Medicare additional unemployed increased cost amount determined under subparagraph (B) for the quarter; by

(II) the State’s total Medicaid quarterly spending amount determined under subparagraph (C) for the quarter; and

(ii) multiplying the quotient determined under clause (i) by 100.

(B) MEDICAID ADDITIONAL UNEMPLOYED INCREASED COST AMOUNT DETERMINED UNDER SUBPARAGRAPH (A) (I) I.—The Medicaid additional unemploye increased cost amount determined under this subparagraph with respect to a State and a quarter is the product of the following:

(i) the State increase in rolling average number of unemployed individuals from the previous quarter of the year; and

(ii) the amount determined by subtracting the rolling average number of

SA 3038. Mr. ROCKEFELLER submittted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit for the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 436, between lines 14 and 15, insert the following:

"(xix) Utilizing a diverse network of providers of services and suppliers to improve care coordination and applicable laws, described in subsection (a)(4)(A)(ii) with 2 or more chronic conditions and a history of prior-year hospitalization through interventions developed under the Medicare Coordinated Care Demonstration Project under section 4016 of the Balanced Budget Act of 1997 (42 U.S.C. 1391c–1 note)";

and

"(2) in subsection (b)(2), by inserting before the period at the end the following:

"(A) in paragraph (3) by striking the first reference to section 1905(m)(2)(A)(xii) and inserting in lieu thereof the following:

"(ii) multiplying the quotient determined in accordance with the methodology described in paragraph (1) by a percentage (not less than 85 percent) determined in accordance with the following:

(A) the medical loss ratio, as determined in accordance with section 1905(m)(2)(A)(xii); and

(B) the percentage of the average unemployment rate for that quarter has increased over the corresponding quarter for the most recent preceding 12-month period for which data are available";

and

"(C) in paragraph (4) by striking the first reference to section 1905(m)(2)(A)(xii) and inserting in lieu thereof the following:

"(vi) the Medicaid additional cost amount determined under section 1905(m)(2)(A)(xii) for the State and the corresponding quarter for the most recent preceding 12-month period for which data are available is less than the Medicaid additional cost amount determined under section 1905(m)(2)(A)(xii) for the State and the corresponding quarter for the most recent preceding 12-month period for which data are available";

and

"(2) in subsection (c)(3)(C)(ii) by striking "December 2009" and "January 2010" and inserting "June 2010" and "July 2010", respectively; and

"(4) in subsection (d), by inserting "ending before October 1, 2010" after "entire fiscal years" and after "with respect to fiscal years"; and after "and for the provision of such data to the Secretary";}
unemployed individuals in the State for the base unemployment quarter for the State determined under subclause (II) from the rolling average number of unemployed individuals in the State described in paragraph (1) with the lowest rolling average number of unemployed individuals in the State in the 12-month period ending in the base quarter for a national economic downturn assistance period described in paragraph (1).

(II) BASE UNEMPLOYMENT QUARTER DEFINED.—

(aa) In general.—For purposes of subclause (II), except as provided in item (bb), the base quarter for a State is the quarter in which the average of the rolling average number of unemployed individuals in the State in the 12-month period ending in the quarter is the lowest of any quarter during a national economic downturn assistance period described in paragraph (1).

(bb) Exception.—If the rolling average number of unemployed individuals in a State for a quarter during a national economic downturn assistance period described in paragraph (1) is less than the rolling average number of unemployed individuals in the State for the base quarter determined under item (aa), that quarter shall be treated as the base quarter for the State for such national economic downturn assistance period.

(ii) NATIONAL AVERAGE AMOUNT OF ADDITIONAL MEDICAID SPENDING FOR NONFEDERAL UNEMPLOYED INDIVIDUAL.—In the case of—

(I) A calendar quarter occurring in fiscal year 2012, $350; and

(II) A calendar quarter occurring in any succeeding fiscal year, the amount applicable under this clause for calendar quarters occurring in preceding fiscal years increased by the annual percentage increase in the medical care component of the consumer price index for all urban consumers (U.S. city average), as rounded up in an appropriate manner.

(iii) STATE NONDISABLED, NONELDERLY ADULTS AND CHILDREN MEDICAID SPENDING INDEX.—

(I) In general.—With respect to a State, the quotient (not to exceed 1.00) of—

(aa) the State expenditure per person in poverty amount determined under subclause (II); divided by

(bb) the National expenditure per person in poverty amount determined under subparagraph (A).

(II) STATE EXPENDITURE PER PERSON IN POVERTY AMOUNT.—For purposes of subclause (I)(aa), the National expenditure per person in poverty amount is the quotient of—

(aa) the total amount of annual expenditures for providing medical assistance under the State plan to noninstitutional, nonelderly adults and children; divided by

(bb) the total number of nonelderly adults and children in poverty who reside in the State, as determined under paragraph (4)(A).

(III) NATIONAL EXPENDITURE PER PERSON IN POVERTY AMOUNT.—For purposes of subclause (I)(bb), the National expenditure per person in poverty amount is the quotient of—

(aa) the sum of the total amounts determined under subclause (II)(aa) for all States; divided by

(bb) the sum of the total amounts determined under subclause (II)(bb) for all States.

(4) STATE EXPENDITURE AMOUNT.—For purposes of subparagraph (A), the State’s Medicaid quarterly spending amount determined under this subparagraph with respect to a State and a quarter is the amount equal to—

(i) the total amount of expenditures by the State for providing medical assistance under the State plan to all individuals enrolled in the plan for the most recent fiscal year for which data is available; divided by

(ii) 4.

(5) DATA.—In making the determinations required under this subsection, the Secretary shall use, in addition to the most recent available data from the Bureau of Labor Statistics Local Area Unemployment Statistics for each State referred to in paragraph (5), the most recently available—

(A) data from the most recent decennial Census with respect to the number of nonelderly adults and children who reside in a State described in paragraph (2) with family income below the poverty level as determined under section 2101(c)(5)) applicable to a family of the size involved (or, if the Secretary determines it appropriate, a multiyear average of such data);

(B) data reported to the Secretary by a State described in paragraph (2) with respect to expenditures for medical assistance under the State plan to nonelderly adults and children; and

(C) econometric studies of the responsiveness of Medicaid enrollments and spending to changes in rolling average unemployment rates and other factors, including State spending on certain Medicaid populations.

(6) DEFINITION OF ROLLING AVERAGE NUMBER OF UNEMPLOYED INDIVIDUALS, ROLLING AVERAGE UNEMPLOYMENT RATE.—In this subsection, the term—

(A) rolling average number of unemployed individuals means, with respect to a calendar quarter and a State, the average of the 12 most recent months of seasonally adjusted unemployment data for each State; and

(B) rolling average unemployment rate means, with respect to a calendar quarter and a State, the average of the 12 most recent monthly unemployment rates for the State and

(C) monthly unemployment rate means, with respect to a State, the quotient of—

(i) the monthly seasonally adjusted number of unemployed individuals for the State; divided by

(ii) the monthly seasonally adjusted number of the labor force for the State.

(7) SCOPE OF APPLICATION.—The national economic downturn assistance FMAP shall only apply for purposes of payments under section 1905(a)(3) of the Social Security Act for any fiscal year for which the national economic downturn assistance Federal medical assistance percentage determined for all States under section 1905(c)(3) of the Social Security Act (as added by section 2(a)(3)) is less than 100 percent.

(8) ADDITIONAL REQUIREMENT FOR CERTAIN STATES.—In the case of a State described in paragraph (2) that requires political subdivisions within the State to make payments under section 1923, the State shall not require that such political subdivisions make payments to the Federal government in an amount less than the Federal share of payments under section 1923, than the re-
SEC. 2708. EVALUATION OF STATE COMPLIANCE WITH PROVISION OF COMMUNITY-BASED SERVICES TO INDIVIDUALS WITH DISABILITIES

Not later than December 31, 2010, and annually thereafter, the Inspector General of the Department of Justice shall prepare and submit to Congress a report that evaluates the adequacy of efforts by States to provide appropriate home and community-based services to individuals with disabilities in accordance with the requirements under Olmstead v. L.C., 527 U.S. 581 (1999).

SA 3043. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 397, strike line 15 and all that follows through page 398, line 25.

SA 3044. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 2708. EVALUATION OF STATE COMPLIANCE WITH PROVISION OF COMMUNITY-BASED SERVICES TO INDIVIDUALS WITH DISABILITIES

Not later than December 31, 2010, and annually thereafter, the Inspector General of the Department of Justice shall prepare and submit to Congress a report that evaluates the adequacy of efforts by States to provide appropriate home and community-based services to individuals with disabilities in accordance with the requirements under Olmstead v. L.C., 527 U.S. 581 (1999).

SA 3045. Mr. KERRY (for himself, Mr. KIRK, Mr. SCHUMER, Mrs. GILLIBRAND, Mr. LEAHY, Mr. SANDERS, Mr. CARPER, and Mr. KAUFMAN) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 402, strike line 15 and all that follows through page 403, line 9, and insert the following:

(A) NEWLY ELIGIBLE.—The term "newly eligible" means an individual described in subclause (VIII) of section 1902(a)(10)(A)(i) who, on the date of enactment of the Patient Protection and Affordable Care Act, is not eligible under the State plan for full benefits or for benchmark coverage described in section 1957(b)(1) or benchmark equivalent coverage described in section 1957(b)(2), or is eligible but not enrolled (or is on a waiting list) for such benefits or coverage through a waiver under the plan that has a capped or limited enrollment that is full.

SA 3046. Mr. KERRY (for himself, Ms. STABENOW, Ms. COLLINS, Ms. SNOWE, Mr. WYDEN, Mrs. LINCUM, Mr. JOHN-SON, Mr. SPECTER, Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which...
was ordered to lie on the table; as follows:

Beginning on page 983, strike line 11 and all that follows through page 984, line 3, and insert the following:

"(iv) PRODUCTIVITY ADJUSTMENT.—After determining the home health market basket percentage increase under clause (iii), and after application of clause (v), the Secretary shall establish a home health market basket percentage increase, for 2015 and each subsequent year, by the productivity adjustment described in section 1861(b)(3)(B)(ii)(II). The application of the preceding sentence may result in the home health market basket percentage increase under clause (iii) being less than 0.0 for a year, and may result in payment rates under the system under this subsection for a year being less than such payment rates for the preceding year.

SA 3047. Mr. KERRY (for himself, Mr. Wyden, Mr. Whitehouse, Mr. Reed) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. Reid (for himself, Mr. Baucus, Mr. Dodd, and Mr. Harkin) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1. MEDICARE PATIENT VIG ACCESS DEMONSTRATION PROJECT.

(a) ESTABLISHMENT.—The Secretary shall establish and implement a demonstration project under title XVIII of the Social Security Act to evaluate the benefits of providing payment for items and services needed for the administration, within the homes of Medicare beneficiaries, of intravenous immune globin for the treatment of primary immune deficiency diseases.

(b) DURATION AND SCOPE.—

(1) DURATION.—Beginning not later than January 1, 2011, the Secretary shall conduct the demonstration project for a period of 3 years.

(2) SCOPE.—The Secretary shall enroll not greater than 4,000 Medicare beneficiaries who have been diagnosed with primary immunodeficiency disease for participation in the demonstration project. A Medicare beneficiary may participate in the demonstration project on a voluntary basis and may terminate participation at any time.

(c) REIMBURSEMENT.—The Secretary shall establish an hourly rate for payment for items and services needed for the administration of intravenous immune globin based on the low-utilization payment adjustment under the prospective payment system for home health services established under section 1860 of the Social Security Act (42 U.S.C. 1395f).

(d) STUDY AND REPORT TO CONGRESS.—

(1) INTERIM EVALUATION AND REPORT.—Not later than 24 months after the date of enactment of this Act, the Secretary shall submit to Congress a report that contains a final evaluation of the impact of the demonstration project on access for Medicare beneficiaries to items and services needed for the administration of intravenous immune globin in the home.

(2) FINAL EVALUATION AND REPORT.—Not later than July 1, 2014, the Secretary shall submit to Congress a report that contains a final evaluation of the impact of the demonstration project on access for Medicare beneficiaries to items and services needed for the administration of intravenous immune globin in the home.

(3) IN GENERAL.—Section 1861 of the Social Security Act (42 U.S.C. 1395l) is amended by adding at the end the following:

"(4) in a subsequent year, at the limit established under section 2001 of the Bipartisan Budget Act of 2018 (Public Law 115–174).

(5) MEDICARE BENEFICIARY.—The term "Medicare beneficiary" means an individual who is entitled to, or enrolled for, benefits under part A of title XVIII of the Social Security Act or enrolled for benefits under part B of such title.

(6) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SA 3048. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. Reid (for himself, Mr. Baucus, Mr. Dodd, and Mr. Harkin) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 172, between lines 11 and 12, insert the following:

(E) REPAYMENT OF FUNDS.—A person that receives Federal funds under a loan or grant under this section shall be required to reimburse the Federal Government for the full amount received under such loan or grant on terms established by the Secretary, but in no event shall repayment be made later than 10 years after the date on which such loan or grant was made.

SA 3049. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. Reid (for himself, Mr. Baucus, Mr. Dodd, and Mr. Harkin) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 436, between lines 14 and 15, insert the following:

(C) An analysis of the feasibility of reducing the lag time with respect to data used to determine the average sales price under section 1861(a) of the Social Security Act (42 U.S.C. 1395l)

(D) An update to the report entitled "Analysis of Supply, Distribution, Demand, and Access Issues Associated with Immune Globulin for the Treatment of Primary Immunodeficiency Diseases" submitted in February 2007 by the Office of the Assistant Secretary for Planning and Evaluation of the Department of Health and Human Services.

(2) F INAL EVALUATION AND REPORT.—Not later than July 1, 2014, the Secretary shall submit to Congress a report that contains a final evaluation of the impact of the demonstration project on access for Medicare beneficiaries to items and services needed for the administration of intravenous immune globin within the home.

(3) OFFSET.—

(1) IN GENERAL.—Section 1861 of the Social Security Act (42 U.S.C. 1395l) is amended by adding at the end the following:

"(4) in a subsequent year, at the limit established under section 2001 of the Bipartisan Budget Act of 2018 (Public Law 115–174).

(2) MEDICARE BENEFICIARY.—The term "Medicare beneficiary" means an individual who is entitled to, or enrolled for, benefits under part A of title XVIII of the Social Security Act or enrolled for benefits under part B of such title.

(3) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SA 3050. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. Reid (for himself, Mr. Baucus, Mr. Dodd, and Mr. Harkin) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1986, strike lines 13 through 24.

SA 3051. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. Reid (for himself, Mr. Baucus, Mr. Dodd, and Mr. Harkin) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 816, after line 20, insert the following:

SEC. 3115. RURAL HEALTH CLINIC REIMBURSEMENT.

Section 1842(c) of the Social Security Act (42 U.S.C. 1395m(b)(1)) is amended—

(1) in paragraph (1), by striking "(i)" and "(ii)" and inserting "; and";

(2) in paragraph (2)—

(A) by striking "in a subsequent year" and inserting "after January 1, 2015"; and

(B) by striking the period at the end and inserting a semicolon;

(3) in paragraph (3)—

(A) by striking the period at the end and inserting "in a subsequent year"; and

(B) by striking the period at the end and inserting a semicolon.

SA 3052. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. Reid (for himself, Mr. Baucus, Mr. Dodd, and Mr. Harkin) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1266, between lines 17 and 18, insert the following:

SEC. 2008. PROTECTION OF MEDICAID WAIVER AUTHORITY.

No provision of this Act or any amendment made by this Act shall limit or otherwise restrict any authority in any State or political subdivision thereof to develop such waiver or any amendment of this Act or any amendment of the Social Security Act or otherwise to encourage States to develop innovation programs to provide health insurance to uninsured individuals or to contain health care costs by granting States budget neutral Medicaid waivers Any provision of this Act or an amendment of this Act that is contrary to the preceding sentence is null and void.

SA 3050. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. Reid (for himself, Mr. Baucus, Mr. Dodd, and Mr. Harkin) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1986, strike lines 13 through 24.
SEC. 4003. RURAL HEALTH CLINIC AND COMMUNITY HEALTH CENTER COLLABORATIVE ACCESS EXPANSION.

Section 330C of the Public Health Service Act (42 U.S.C. 254b), as amended by section 4206, is amended by adding at the end the following:

"(j) RULE OF CONSTRUCTION WITH RESPECT TO RURAL HEALTH CLINICS.—

"(1) IN GENERAL.—Nothing in this section shall prevent a community health center from contracting with a federally certified rural health clinic (as defined by section 1861(aa)(2) of the Social Security Act) to deliver of primary health care services that are available at the rural health clinic to individuals who would otherwise be eligible for free or reduced cost care if such individuals were able to obtain such care at the community health center. Such services may be limited in scope to those primary health care services available in that rural health clinic.

"(2) ASSURANCES.—In order for a rural health clinic to receive funds under this section through a contract with a community health center under paragraph (1), such rural health clinic shall establish policies to ensure—

"(A) nondiscrimination based upon the ability to pay; and

"(B) the establishment of a sliding fee scale for low-income patients.''.

SA 3053. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 2062, strike line 3 and insert the following:

(i) EXCLUSION OF ASSISTIVE DEVICES FOR PEOPLE WITH DISABILITIES.—

(1) IN GENERAL.—The term "medical device sales" shall not include sales of any assistive device for people with disabilities.

(ii) INCLUSION.—The comparative effectiveness research required by subsection (a)(2) for purposes of which was ordered to lie on the table; as follows:

SA 3054. Mr. ROBERTS (for himself and Mr. KYL) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1763, between lines 4 and 5, insert the following:

SEC. 4003. PROHIBITION ON THE USE OF COST IN COMPARATIVE EFFECTIVENESS RESEARCH.

(a) In General.—Notwithstanding any other provision of law, in no case may the cost of any medical treatment, item, or service described in subsection (b) be considered a factor in any comparative effectiveness research conducted—

(1) by the Federal Government; or

(2) by any other entity using funding provided by the Federal Government.

(b) MEDICAL TREATMENT, ITEM, OR SERVICE.—The medical services, and items described in this subsection are health care interventions, protocols for treatment, care management, and delivery, procedures, medical devices, diagnostic tools, pharmaceuticals (including drugs and biologicals), integrative health practices, and any other strategies or items being used in the treatment, management, and diagnosis of, or prevention of illness or injury in, individuals.

(c) INCLUSION.—The comparative effectiveness research described under subsection (a) includes any such research conducted or funded by—

(1) the Patient-Centered Outcomes Research Institute under section 1311 of the Social Security Act (as added by section 6301);

(2) the Department of Health and Human Services, including the Agency for Healthcare Research and Quality and the National Institutes of Health; and


(d) APPLICATION.—This section shall apply to any comparative effectiveness research—

(1) that is ongoing as of the date of enactment of this Act; or

(2) that is conducted after the date of enactment of this Act.

SA 3055. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 2063, strike lines 1-11 and insert the following:

"(i) 3-YEAR AVERAGE FEHB PROGRAM PREMIUM INCREASE.—For purposes of clause (iii)—

(1) IN GENERAL.—The term "3-year average FEHB program premium increase" means, with respect to any calendar year, the average of the FEHB program premium increases for the preceding 3 calendar years. (ii) FEHB PROGRAM PREMIUM INCREASE.—The term "FEHB program premium increase" means, with respect to any calendar year, the average amount of the increases in premiums (if any) for all plans offered under the Federal Employee Health Benefits Program under chapter 89 of title 5, United States Code, which were offered under such program for the preceding calendar year.

SA 3056. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 2074, after line 25, add the following:

SEC. NO FEDERAL TAX INCREASE IMPOSED ON MIDDLE INCOME INDIVIDUALS AND FAMILIES.

(a) In General.—Notwithstanding any provision of, or amendment made by this Act, no such provision or amendment which, directly or indirectly, results in a Federal tax increase shall be administered in such manner as to impose such an increase on any middle income taxpayer.

(b) MIDDLE INCOME TAXPAYER.—For purposes of this section, the term "middle income taxpayer" means, for any taxable year,
SA 3059. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. Baucus, Mr. Dodd, and Mr. Harkin) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1999, strike lines 1 through 20.

SA 3060. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. Baucus, Mr. Dodd, and Mr. Harkin) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 2074, after line 25, add the following:

SEC. 9024. TAXES NOT FEES, PENALTIES, OR ASSESSABLE PAYMENTS.

(a) TAXES NOT FEES.—Sections 4375, 4376, 4377, and 4371 of the Internal Revenue Code of 1986 (as added by section 9098, 9099, and 9101) are each amended by striking “fee” or “fees” each place it appears and inserting “tax” or “taxes”, respectively.

(b) TAXES NOT PENALTIES.—Section 5000A of the Internal Revenue Code of 1986 (as added by section 151(b)) is amended by striking “penalty” each place it appears (other than the second place in paragraphs (1) and (2) of subsection (g) thereof) and inserting “tax”.

(c) TAXES NOT ASSESSABLE PAYMENTS.—Section 4908H of the Internal Revenue Code of 1986 (as added by section 151(a)) and section 151(c)(1) are each amended by striking “assessable” or “assessable” each place it appears and inserting “tax” or “taxes”, respectively.

SA 3062. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. Baucus, Mr. Dodd, and Mr. Harkin) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 357, strike line 15 and insert the following:

(d) REPORT ON IMPACT OF PENALTIES.—Not later than 180 days after the date of the enactment of this Act, the Commissioner General shall submit to Congress a report on the assessable payments imposed under section 4908H of the Internal Revenue Code of 1986 (as added by the amendments made by this section). The report submitted under this subsection shall include a detailed analysis of the impact of assessable penalty on—

(1) employer profits,

(2) Federal revenues, including any decrease in tax revenues due to any decrease in employer profits as a result of such assessable penalties;

(3) the level of wages and benefits of employees,

(4) the hours worked by employees, including whether employees are classified as part-time or full-time employees, and

(5) the termination of employees.

(e) EFFECTIVE DATE.—The amendments made by

SA 3063. Mr. AKAKA (for himself and Mr. Inouye) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. Baucus, Mr. Dodd, and Mr. Harkin) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 515 of the amendment, between lines 11 and 12, insert the following:

SEC. 2552. ESTABLISHMENT OF PERMANENT MEDICARE DSH ALLOTMENT FOR HAWAII.

(a) IN GENERAL.—Section 1923(c)(6) of the Social Security Act (42 U.S.C. 1396c(k)(6)) is amended—

(1) by striking the paragraph heading and inserting the following: “ALLOTMENT ADJUSTMENTS FOR TENNESSEE AND HAWAII”;

and

(2) in subparagraph (B), by adding at the end the following:

“(III) CERTAIN HOSPITAL PAYMENTS.—The amount that is subtracted under this Act (or an amendment made by this Act) may not—

(i) subject any individual or institutional health care entity to discrimination; or

(ii) require any health plan created or regulated under this Act (or an amendment made by this Act) to subject any individual or institutional health care entity to discrimination, on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(b) DEFINITION.—In this section, the term “health care entity” includes an individual provider, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

(c) ADMINISTRATION.—The Office for Civil Rights of the Department of Health and Human Services is designated to receive complaints of discrimination based on this section, and coordinate the investigation of such complaints.

SA 3065. Mr. CARDIN (for himself and Mr. Brown) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. Baucus, Mr. Dodd, and Mr. Harkin) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 396, between lines 8 and 9, insert the following:
SEC. 1601. UTILIZATION REVIEW ACTIVITIES.

(a) Compliance With Requirements.—

(1) A group health plan, and a health insurance issuer that provides health insurance coverage, shall conduct utilization review activities in connection with the plan or issuer under such health insurance coverage only in accordance with a utilization review program that meets the requirements of this section and section 1602.

(2) AGENTS.—Nothing in this section shall be construed as preventing a group health plan or health insurance issuer from arranging through a contract or other arrangement with a professional entity to conduct utilization review activities on behalf of the plan or issuer, so long as such activities are conducted in accordance with a utilization review program that meets the requirements of this section.

(b) Written Policies and Criteria.—Written policies and procedures that govern program shall be conducted consistent with the terms of the plan or coverage, shall be in accordance with a utilization review program with respect to which the plan or issuer has written policies and procedures that govern such activities, and includes prospective review, concurrent review, second opinions, case management, and retrospective review.

(1) USE OF WRITTEN CRITERIA.—

(A) IN GENERAL.—A group health plan, or health insurance issuer offering health insurance coverage, may require the participant, beneficiary, or enrollee to comply with the medical exigencies of the case and as soon as possible, but in no case later than 72 hours after the time the request is received, the plan or issuer must provide by telephone during normal business hours to discuss patient care and allow response to telephone requests, and that appropriate provision is made to receive and respond promptly to calls received during other hours.

(B) USE OF QUALIFIED, INDEPENDENT PERSONNEL.—Such a program shall provide for a periodic review not, with respect to utilization review activities, permit or provide compensation or any-thing of value to its employees, agents, or contractors in a manner that encourages denials of claims for benefits.

(C) PROHIBITION OF CONFLICTS.—Such a program shall not, with respect to utilization review activities, permit or provide compensation or any-thing of value to its employees, agents, or contractors in a manner that encourages denials of claims for benefits.

(2) USE OF QUALIFIED, INDEPENDENT PERSONNEL.—Such a program shall provide for a periodic review not, with respect to utilization review activities, permit or provide compensation or any-thing of value to its employees, agents, or contractors in a manner that encourages denials of claims for benefits.

(3) USE OF QUALIFIED, INDEPENDENT PERSONNEL.—Such a program shall provide for a periodic review not, with respect to utilization review activities, permit or provide compensation or any-thing of value to its employees, agents, or contractors in a manner that encourages denials of claims for benefits.

(4) USE OF QUALIFIED, INDEPENDENT PERSONNEL.—Such a program shall provide for a periodic review not, with respect to utilization review activities, permit or provide compensation or any-thing of value to its employees, agents, or contractors in a manner that encourages denials of claims for benefits.

(5) USE OF QUALIFIED, INDEPENDENT PERSONNEL.—Such a program shall provide for a periodic review not, with respect to utilization review activities, permit or provide compensation or any-thing of value to its employees, agents, or contractors in a manner that encourages denials of claims for benefits.

(b) Written Policies and Procedures.—A group health plan, or health insurance issuer offering health insurance coverage, shall conduct utilization review activities in connection with the plan or issuer under such health insurance coverage only in accordance with a utilization review program that meets the requirements of this section.

(2) AGENTS.—Nothing in this section shall be construed as preventing a group health plan or health insurance issuer from arranging through a contract or other arrangement with a professional entity to conduct utilization review activities on behalf of the plan or issuer, so long as such activities are conducted in accordance with a utilization review program that meets the requirements of this section.

(c) Utilization Review Defined.—For purposes of this section, the terms “utilization review” and “utilization review activities” mean procedures used to monitor or evaluate the use or coverage, clinical necessity, appropriateness, efficacy, or efficiency of health care, procedures or services, and includes prospective review, concurrent review, second opinions, case management, or discharge planning.

(d) Use of Written Policies.—A utilization review program shall be conducted consistent with written policies and procedures that govern all aspects of the program.

(e) Use of Written Criteria.—

(A) IN GENERAL.—A group health plan, or health insurance issuer offering health insurance coverage, may require the participant, beneficiary, or enrollee to comply with the medical exigencies of the case and as soon as possible, but in no case later than 72 hours after the time the request is received, the plan or issuer must provide by telephone during normal business hours to discuss patient care and allow response to telephone requests, and that appropriate provision is made to receive and respond promptly to calls received during other hours.

(B) USE OF QUALIFIED, INDEPENDENT PERSONNEL.—Such a program shall provide for a periodic review not, with respect to utilization review activities, permit or provide compensation or any-thing of value to its employees, agents, or contractors in a manner that encourages denials of claims for benefits.

(2) USE OF QUALIFIED, INDEPENDENT PERSONNEL.—Such a program shall provide for a periodic review not, with respect to utilization review activities, permit or provide compensation or any-thing of value to its employees, agents, or contractors in a manner that encourages denials of claims for benefits.

(3) USE OF QUALIFIED, INDEPENDENT PERSONNEL.—Such a program shall provide for a periodic review not, with respect to utilization review activities, permit or provide compensation or any-thing of value to its employees, agents, or contractors in a manner that encourages denials of claims for benefits.

(4) USE OF QUALIFIED, INDEPENDENT PERSONNEL.—Such a program shall provide for a periodic review not, with respect to utilization review activities, permit or provide compensation or any-thing of value to its employees, agents, or contractors in a manner that encourages denials of claims for benefits.

(5) USE OF QUALIFIED, INDEPENDENT PERSONNEL.—Such a program shall provide for a periodic review not, with respect to utilization review activities, permit or provide compensation or any-thing of value to its employees, agents, or contractors in a manner that encourages denials of claims for benefits.
possible, but not later than 30 days after the date on which the plan or issuer receives information that is reasonably necessary to
enable the plan or issuer to make a determination on the claim, or, if earlier, 30 days after the date of receipt of the claim for benefits.
(c) NOTICc OF A DENIAL OF A CLAIM FOR BENEFITS.—Written notice of a denial made under an initial claim for benefits shall be
issued to the participant, beneficiary, or enrollee (or authorized representative) and the treating health care professional in accord-
ance with the medical exigencies of the case and as soon as possible, but in no case later than 2 days after the date of the determina-
tion of which the written notice is described in paragraph (B) or (C) of subsection (b)(1), within the 72-hour or applicable period referred to in such subparagraph.
(d) REQUIREMENTS OF NOTICE OF DETERMIMATIONS.—The written notice of a denial of a claim for benefits determination under subsection (c) shall be provided in printed form and written in a manner calculated to be understood by the participant, bene-
ficiary, or enrollee and shall include—
(1) the specific reasons for the determination whether based on technical or scientific evidence used in making the deter-
mation; and
(2) procedures for obtaining additional information concerning the determination.
(e) DEFINITIONS.—For purposes of this part:
(1) AUTHORIZED REPRESENTATIVE.—The term "authorized representative" means a person, with respect to an individual who is a partic-
ipant, beneficiary, or enrollee, any health care professional or other person acting on behalf of the individual with the individual’s consent or without such consent if the indi-
vidual is medically unable to provide such consent.
(2) CLAIM FOR BENEFITS.—The term “claim for benefits” means any request for coverage (including authorization of coverage), for eligibility, or for payment in whole or in part, for an item or service under a group health plan or health insurance coverage.
(3) DENIAL OF CLAIM FOR BENEFITS.—The term “denial” means, with respect to a claim for benefits, a denial (in whole or in part) of, or a failure to act on a timely basis upon, the claim for benefits and includes a failure to provide benefits (including items and services) required to be provided under this part.
(4) TREATING HEALTH CARE PROFESSIONAL.—The term “treating health care professional” means a health care professional who is pri-
marily responsible for delivering those services to the participant, beneficiary, or enrollee.
Subpart B—Access to Care
SEC. 1611. CHOICE OF HEALTH CARE PROFESSIONAL.
(a) PRIMARY CARE.—If a group health plan, or a health insurance issuer that offers health insurance coverage, requires or pro-
vides for designation by a participant, bene-
ficiary, or enrollee of a primary care provider, then the plan or issuer shall permit each participant, beneficiary, and enrollee to designate any participating primary care provider who is available to accept such individual.
(b) SPECIALISTS.—
(1) IN GENERAL.—Subject to paragraph (2), a group health plan or a health insurance issuer that offers health insurance coverage shall permit each participant, beneficiary, or enrollee to receive medically necessary and appropriate care, pursuant to the following:
(2) REQUIREMENTS OF REFERRALS.—If a plan or issuer permits a participant, beneficiary, or enrollee to receive care from a nonparticipating specialist pursuant to subparagraph (A), such specialty care shall be provided at no additional cost to the participant, beneficiary, or enrollee beyond what the participant, beneficiary, or enrollee would otherwise pay for such specialty care if provided by a participating specialist.
(b) TREATMENT OF NONPARTICIPATING PROVIDERS.—If a participant, beneficiary, or enrollee receives care from a nonparticipating specialist pursuant to subparagraph (A), such specialty care shall be provided at no additional cost to the participant, beneficiary, or enrollee beyond what the participant, beneficiary, or enrollee would otherwise pay for such specialty care if provided by a participating specialist.
(b) REFERENCES.—
(1) AUTHORIZATION.—Subject to subsection (a)(1), a group health plan or health insurance issuer may require an authorization in the network only to the extent necessary to meet the needs of the plan’s or issuer’s participants, beneficiaries, or enrollees; or
(2) PROVIDE FOR TIMELY ACCESS TO SPECIALISTS.
(a) TIMELY ACCESS.—
(1) IN GENERAL.—A group health plan or health insurance issuer offering health insurance coverage shall ensure that participants, beneficiaries, and enrollees receive timely access to specialists who are appropriate to the condition of, and accessible to, the participant, beneficiary, or enrollee, when such specialists are not available or qualified to provide care under a group health plan or health insurance coverage of benefits or services;
(2) RULcE OF CRUCTION.—Nothing in paragraph (1) shall be construed—
(A) to require the coverage under a group health plan or health insurance coverage of benefits or services;
(B) to prohibit a plan or issuer from includ-
ing in its network only the extent necessary to meet the needs of the plan’s or issuer’s participants, beneficiaries, or enrollees; or
(C) to override any State licensure or scope-of-practice law.
(3) ACCESS TO CERTAIN PROVIDERS.—
(A) IN GENERAL.—With respect to specialty care under this section, if a participating specialist is not available and qualified to provide such care to the participant, benefi-
ciciary, or enrollee, the plan or issuer shall provide for coverage of such care by a non-
participating specialist.
(B) TREATMENT OF NONPARTICIPATING PROVIDERS.—If a participant, beneficiary, or enrollee receives care from a nonparticipating specialist pursuant to subparagraph (A), such specialty care shall be provided at no additional cost to the participant, beneficiary, or enrollee beyond what the participant, beneficiary, or enrollee would otherwise pay for such specialty care if provided by a participating specialist.
(b) REFERENCES.—
(1) AUTHORIZATION.—Subject to subsection (a)(1), a group health plan or health insurance issuer may require an authorization in the network only to the extent necessary to meet the needs of the plan’s or issuer’s participants, beneficiaries, or enrollees; or
(2) PROVIDE FOR TIMELY ACCESS TO SPECIALISTS.
(a) TIMELY ACCESS.—
(1) IN GENERAL.—If a group health plan, or health insurance coverage provided by a health insurance issuer, provides any bene-
ficiary, or enrollee with respect to emergency services and emergency services, the plan or issuer shall cover emergency ambulance services (as de-
defined in paragraph (2)) furnished under the plan or coverage under the same terms and conditions under subparagraphs (A) through (D) of subsection (a)(1) under which coverage is provided for emergency services.
(b) TREATMENT OF NONPARTICIPATING PROVIDERS.—For purposes of this subsection, the term “emerg-
cency ambulance services” means ambulance services (as defined for purposes of section 1861(s)(7) of the Social Security Act) fur-
nished to transport an individual who has an emergency medical condition (as defined in subsection (a)(2)(A)) to a hospital for the re-
ceipt of emergency services (as defined in subsection (a)(2)(B)) in a case in which the emergency services are covered under the plan or coverage pursuant to subsection (a)(2)(B). In such a case, the plan or issuer must pay for emergency services furnished under the plan or coverage for services provided for emergency services.
may not require authorization or referral by the plan, issuer, or any person (including a primary care provider described in subsection (b)(2)) in the case of a female participant, beneficiary, or enrollee who seeks coverage for obstetrical or gynecological care provided by a participating health care professional who specializes in obstetrics or gynecology.

(2) OBSTETRICAL AND GYNECOLOGICAL CARE.—A group health plan or health insurance issuer described in subsection (b) shall treat any care terminated by a participating primary care provider.

(a) Application of Section.—A group health plan, or health insurance issuer offering health insurance coverage, described in this subsection is a group health plan or coverage that—

(1) provides coverage for obstetric or gynecologic care, and

(2) requires the designation by a participating primary care provider.

(b) Construction.—Nothing in subsection (a) shall be construed to—

(1) waive any exclusions of coverage under the terms and conditions of the plan or insurance contract, including cost-sharing, with respect to a continuing care patient described in subsection (a)(4)(A) shall extend for the remainder of the patient’s life for care that is directly related to the treatment of the terminal illness or its medical manifestations.

(2) Any provisions of the plan or insurance contract with respect to a continuing care patient described in subsection (a)(4)(A) shall extend for the remainder of the patient’s life for care that is directly related to the treatment of the terminal illness or its medical manifestations.

(3) Permissible Terms and Conditions.—A group health plan or health insurance issuer may condition coverage of continued treatment for a continuing care patient described in subsection (a)(4)(D) upon the provider agreeing to the following terms and conditions:

(1) The treating health care provider agrees to accept reimbursement from the plan or issuer and continuing care patient involved (with respect to cost-sharing) at the rates applicable prior to the start of the transitional period under section (1) (or, in the case described in subsection (a)(2)), at the rates applicable under the replacement plan or coverage after the date of the termination of the transitional period under section (1) (or, in the case described in subsection (a)(2)), at the rates applicable under the replacement plan or coverage after the date of the termination of the transitional period under section (1).

(2) The provider agrees to accept reimbursement from the patient for costs otherwise reimbursable by the plan or issuer (to the extent the patient is not otherwise eligible for any such reimbursement).

(3) The provider agrees not to impose cost-sharing with respect to the patient in...
an amount that would exceed the cost-sharing that could have been imposed if the contract referred to in subsection (a)(1) had not been terminated.

(2) The treating health care provider agrees to adhere to the quality assurance standards of the plan or issuer responsible for payment under paragraph (1) and to provide the plan or issuer with such necessary medical information related to the care provided.

(3) The treating health care provider agrees otherwise to adhere to such plan's or issuer's policies and procedures, including procedures regarding referrals and obtaining prior authorization and providing services pursuant to a treatment plan (if any) approved by the plan or issuer.

Rules of Construction.—Nothing in this section shall be construed—

(1) to require the coverage of benefits which would not have been covered if the provider involved remained a participating provider; or

(2) with respect to the termination of a contract under subsection (a) to prevent a group health plan or health insurance issuer from requiring that the health care provider—

(A) notify participants, beneficiaries, or enrollees of their rights under this section;

(B) provide the plan or issuer with the name of each participant, beneficiary, or enrollee who the provider believes is a continuing care patient.

Definitions.—In this section:

(1) Contract.—The term "contract" includes, with respect to a plan or issuer and a treating health care provider, a contract between a plan or issuer and an organized network of providers that includes the treating health care provider, and in the case of such a contract the contract between the treating health care provider and the organized network.

(2) Health care provider.—The term "health care provider" or "provider" means—

(A) any individual who is engaged in the delivery of health care services in a State and who is required by State law or regulation to be licensed or certified by the State to engage in the delivery of such services in the State; and

(B) any entity that is engaged in the delivery of health care services in a State and that is required, by State law or regulation to be licensed or certified by the State to engage in the delivery of such services in the State, is so licensed.

(3) Serious and complex condition.—The term "serious and complex condition" means, with respect to a participant, beneficiary, or enrollee under the plan or coverage—

(A) in the case of an acute illness, a condition that is serious enough to require specialized care to avoid the reasonable possibility of death or permanent harm; or

(B) in the case of a chronic illness or condition, an ongoing or recurring condition (as defined in section 1312 of the Social Security Act) that is substantially equivalent to such a condition.

(4) Terminated.—The term "terminated" includes, with respect to a contract, the expiration or nonrenewal of the contract, but does not include a termination of the contract for failure to meet applicable quality standards or for fraud.

Subpart C—Protecting the Doctor-Patient Relationship

SEC. 1621. PROHIBITION OF INTERFERENCE WITH CERTAIN MEDICAL COMMUNICATIONS

(a) General rule.—The provisions of any contract or agreement, or the operation of any contract or agreement, between a group health plan or health insurance issuer in relation to health insurance coverage (including any partnership, association, or other organization that enters into or administers such contract or agreement) and a health care provider (or group of health care providers) shall not prohibit or otherwise restrict a health care professional from advising or providing care to a participant, beneficiary, or enrollee who is a patient of the professional about the health status of the individual or medical care or treatment for the individual.

(b) Nullification.—Any contract provision or agreement that restricts or prohibits medical communications in violation of subsection (a) shall be null and void.

Subpart D—Definitions

SEC. 1631. DEFINITIONS.

(a) Incorporation of General Definitions.—Except as otherwise provided, the provisions of section 2791 of the Public Health Service Act shall apply for purposes of this part in the same manner as they apply for purposes of title XXVII of such Act.

(b) Secretary.—Except as otherwise provided, the term "Secretary" means the Secretary of Health and Human Services, in consultation with the Secretary of Labor and the term "appropriate Secretary" means the Secretary of Health and Human Services in relation to carrying out this part under sections 2792 and 2793 of the Public Health Service Act and the Secretary of Labor in relation to carrying out this part under section 713 of the Employee Retirement Income Security Act of 1974.

(c) Additional Definitions.—For purposes of this part—

(1) Applicable authority.—The term "applicable authority" means—

(A) in the case of a group health plan, the Secretary of Health and Human Services and the Secretary of Labor; and

(B) in the case of a health insurance issuer with respect to a specific provision of this part, the applicable State authority (as defined in section 2791 of the Public Health Service Act), or the Secretary of Health and Human Services, if such Secretary is enforcing such provision under section 2722(a)(2) or 2722(a)(3) of the Public Health Service Act.

(2) Enrollment.—The term "enrollment" means, with respect to health insurance coverage offered by a health insurance issuer, an individual enrolled with the issuer to receive such coverage.

(3) Group health plan.—The term "group health plan" has the meaning given such term in section 2791 of the Employee Retirement Income Security Act of 1974, except that such term includes an employee welfare benefit plan treated as a group health plan under subsection (3)(B) of such section if such plan is subject to subsection (a)(10) of such Act.

(4) Health care professional.—The term "health care professional" means an individual who is licensed, accredited, or certified under State law to provide specified health care services and who is operating within the scope of such licensure, accreditation, or certification.

(5) Health care provider.—The term "health care provider" includes a physician or other health care professional, as well as an institution, agency, or agency or agency that provides health care services and that is licensed, accredited, or certified to provide health care items and services under applicable State law.

(6) Network.—The term "network" means, with respect to a group health plan or health insurance issuer offering health insurance coverage, the participating health care professionals and providers through whom the plan or issuer provides health care items and services to participants, beneficiaries, or enrollees.

(7) Nonparticipating.—The term "nonparticipating" means, with respect to a health care provider that provides health care items and services to a participant, beneficiary, or enrollee, that such Health care provider has not contracted with the plan or issuer and that the plan or issuer does not reimburse the health care provider with respect to such items and services.

(8) Participating.—The term "participating" means, with respect to a health care provider that provides health care items and services to a participant, beneficiary, or enrollee, that such Health care provider has contracted with the plan or issuer and that the plan or issuer reimburses the health care provider with respect to such items and services.

(9) Prior authorization.—The term "prior authorization" means the process of obtaining prior approval from a health insurance issuer or group health plan for the provision or coverage of medical services.

(10) Terms and conditions.—The term "terms and conditions" with respect to a group health plan or health insurance coverage, requirements imposed under this part with respect to the plan or coverage.

SEC. 1632. PREEMPTION; STATE FLEXIBILITY; CONSTRUCTION

(a) Contingent applicability of State law with respect to health insurance issuers.—

(1) In general.—Subject to paragraph (2), this part shall not be construed to preclude any provision of State law which establishes, implements, or continues in effect any standard or requirement solely relating to health insurance issuers (in connection with group health insurance coverage or otherwise) except to the extent that such standard or requirement prevents the application of a requirement of this part.

(2) Continued preemption with respect to group health plans.—Nothing in this part shall be construed to affect or modify the provisions of section 2722(a)(2) of the Public Health Service Act with respect to group health plans.

(b) Application of substantially compliant State laws.—

(1) In general.—In the case of a State law that imposes, with respect to health insurance coverage offered by a health insurance issuer and with respect to a group health plan, one or more substantial requirements that substantially comply (within the meaning of subsection (c)) with a patient protection requirement (as defined in paragraph (1)) and that is not substantially equivalent to such a requirement, a requirement that substantially com-
(ii) promptly publish in the Federal Register a notice that a State has submitted a certification under paragraph (1); (iii) promptly publish in the Federal Register a notice that a nonprofit corporation has been determined under this subsection to be substantially compliant with the patient protection requirements under part I of subtitle H of title I of the Patient Protection and Affordable Care Act, and each health insurance issuer shall comply with patient protection requirements under such part of such Act for the insurance coverage it offers, and such requirements shall be deemed to be incorporated into this subsection.

SEC. 1642. APPLICATION TO INDIVIDUAL HEALTH INSURANCE COVERAGE.

Part B of title XXVII of the Public Health Service Act is amended after section 2735 of the Patient Protection and Affordable Care Act to authorize the delegation to the State of some or all of the Secretary’s authority under this title to exempt a group health plan from complying with any provision of title I of such Act.

SEC. 1643. COOPERATION BETWEEN FEDERAL AND STATE AUTHORITIES.

(a) AGREEMENT WITH STATES.—A State may enter into an agreement with the Secretary for the delegation to the State of some or all of the Secretary’s authority under this title to exempt a group health plan from complying with any provision of title I of such Act.

PART III—AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

SEC. 1651. APPLICATION OF PATIENT PROTECTION STANDARDS TO GROUP HEALTH PLANS AND GROUP HEALTH INSURANCE COVERAGE UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Subpart B of part 7 of title I of the Employee Retirement Income Security Act of 1974, as amended by section 1052, is further amended by inserting ‘‘(other than section 2720)’’ after ‘‘requirements of section 2720’’.

SEC. 1642. APPLICATION TO INDIVIDUAL HEALTH INSURANCE COVERAGE.

Part B of title XXVII of the Public Health Service Act is amended after section 2735 of the following new section:

‘‘SEC. 2735. PATIENT PROTECTION STANDARDS.

‘‘Each health insurance issuer shall comply with patient protection requirements under part I of subtitle H of title I of the Patient Protection and Affordable Care Act with respect to individual health insurance coverage it offers, and such requirements shall be deemed to be incorporated into this subsection.’’

SEC. 1643. COOPERATION BETWEEN FEDERAL AND STATE AUTHORITIES.

(a) AGREEMENT WITH STATES.—A State may enter into an agreement with the Secretary for the delegation to the State of some or all of the Secretary’s authority under this title to exempt a group health plan from complying with any provision of title I of such Act.

‘‘SEC. 2755. COOPERATION BETWEEN FEDERAL AND STATE AUTHORITIES.

(a) AGREEMENT WITH STATES.—A State may enter into an agreement with the Secretary for the delegation to the State of some or all of the Secretary’s authority under this title to exempt a group health plan from complying with any provision of title I of such Act.

(b) DELEGATIONS.—Any department, agency, or instrumentality of a State to which authority is delegated pursuant to an agreement entered into under this section may, if authorized under State law and to the extent consistent with such agreement, exercise the authority delegated to the State under this title which relate to such authority.’’

PART III—AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

SEC. 1651. APPLICATION OF PATIENT PROTECTION STANDARDS TO GROUP HEALTH PLANS AND GROUP HEALTH INSURANCE COVERAGE UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Subpart B of part 7 of title I of the Employee Retirement Income Security Act of 1974, as amended by section 1052, is further amended by inserting ‘‘(other than section 2720)’’ after ‘‘requirements of section 2720’’.

SEC. 1642. APPLICATION TO INDIVIDUAL HEALTH INSURANCE COVERAGE.

Part B of title XXVII of the Public Health Service Act is amended after section 2735 of the following new section:

‘‘SEC. 2735. PATIENT PROTECTION STANDARDS.

‘‘Each health insurance issuer shall comply with patient protection requirements under part I of subtitle H of title I of the Patient Protection and Affordable Care Act, and each health insurance issuer shall comply with patient protection requirements under such part of such Act for the insurance coverage it offers, and such requirements shall be deemed to be incorporated into this subsection.

(b) PLANN SATISFACTION OF CERTAIN REQUIREMENTS THROUGH INSURANCE.—For purposes of subsection (a), insofar as a group health plan provides benefits in connection with health insurance coverage through a health insurance issuer, the plan shall be treated as meeting
the following requirements of part I of subtitle H of title I of the Patient Protection and Affordable Care Act with respect to such benefits and not be considered as failing to meet such standards because of failure of the issuer to meet such requirements so long as the plan sponsor or its representatives did not cause such failure by the issuer: "(A) Section 112 (relating to choice of health care professional)."

"(B) Section 1612 (relating to access to emergency care).

"(C) Section 1613 (relating to timely access to specialists).

"(D) Section 1614 (relating to access to obstetrical and gynecological care).

"(E) Section 1615 (relating to patient access to services of health care professionals).

"(F) Section 1616 (relating to continuity of care), but only insofar as a replacement issuer assumes the obligation for continuity of care.

"(2) APPLICATION TO PROHIBITIONS.—Pursuant to the rules of the Secretary, if a health insurance issuer offers health insurance coverage in connection with a group health plan and takes an action in violation of section 1821 of the Patient Protection and Affordable Care Act (relating to prohibition of interference with certain medical communications), the group health plan shall not be liable for such violation unless the plan caused such violation.

"(3) CONSTRUCTION.—Nothing in this sub-section shall be construed to affect or modify the responsibilities of the fiduciaries of a group health plan under part 4 of subtitle B.

"(4) TREATMENT OF SUBSTANTIALLY COMPLIANT STATE LAWS.—For purposes of applying this subsection, any reference in this subsection to a requirement in a section or other provision in subtitle H of title I of the Patient Protection and Affordable Care Act with respect to a health insurance issuer is deemed to refer to a requirement of a State law that substantially complies (as determined under section 1623(c) of such Act) with the requirement in such section or other provisions.

"(c) CONFORMING REGULATIONS.—The Secretary shall issue regulations to coordinate the requirements on group health plans and health insurance issuers under this section with the requirements imposed under the other provisions of this title.

"(d) ERISA CLAIMS PROCEDURE REQUIREMENT.—Section 508 of such Act (29 U.S.C. 1133) is amended by inserting "after "Sec. 503." and by adding at the end the following new subsection:

"(6) In the case of a group health plan (as defined in section 733) compliance with the requirements of subpart A of part 4 of subtitle H of title I of the Patient Protection and Affordable Care Act, and compliance with regulations promulgated by the Secretary, in the case of a claims denial shall be deemed compliance with subsection (a) with respect to such claims denial.

"(e) CONFORMING AMENDMENTS.—(1) Section 732(a) of such Act (29 U.S.C. 1183(a)) is amended by striking "section 711" and inserting "sections 711 and 716".

"(2) The table of contents in section 1 of such Act is amended by inserting after the item relating to section 715 the following new item:

"Sec. 716. Patient protection standards.

"(d) EFFECT ON COLLECTIVE BARGAINING AGREEMENTS.—In the case of health insurance coverage furnished and maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers that was ratified before the date of enactment of this title, any provisions of this section (and the amendments made by this section) shall not apply until the date on which the last of the collective bargaining agreements relating to the coverage terminates. Any coverage amendment made pursuant to a collective bargaining agreement relating to the coverage which amends the coverage solely to conform to any requirement added by this section (or amendments) shall not be treated as a termination of such collective bargaining agreement.

"SEC. 1652. EFFECTIVE DATE.

This subtitle (and the amendments made by this subtitle) becomes effective on the earlier of (1) the first day of the first plan year beginning on or after the date that is 6 months after the date of enactment of this Act.

SA 3066. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 9. PROHIBITION ON CERTAIN USES OF DATA OBTAINED FROM COMPARATIVE EFFECTIVENESS RESEARCH; ACCOUNTING FOR UNINSURED IN THE UNIFIED MEDICARE AND MEDICAID BENEFITS PROGRAM.

(a) In general.—Nothing in this section shall be construed as affecting any other provision of law, a Federal department, office, or representative—

(1) shall not use data obtained from the conduct of comparative effectiveness research, including such research that is conducted or supported using funds appropriated under the American Recovery and Reinvestment Act of 2009 (42 U.S.C. 1320a-7(b)(5)), under plans offered under the Federal Employees Health Benefits Program (under chapter 89 of title 5, United States Code), or under private health insurance; and

(2) shall ensure that comparative effectiveness research conducted or supported by the Federal Government accounts for factors contributing to differences in treatment response and treatment preferences of patients, including patient-reported outcomes, genomics and personalized medicine, the unique needs of health disparity populations, and indirect patient benefits.

(b) Rule of construction.—Nothing in this section shall be construed as affecting the authority of the Secretary of Health and Human Services, the Federal Trade Commission, or any Federal officer or employee (including a federalely elected official or member of Congress) to conduct research, including such research that is conducted or supported by the Federal Government, to monitor the implementation of this title or other provisions of law, a Federal department, office, or representative, a Federal department, office, or representative, a Federal department, office, or representative, or any other Federal department, office, or representative.

The President Centered Outcomes Research Institute Board.—Notwithstanding section 1120B(f) of the Social Security Act (42 U.S.C. 1320d-7(b)(5)), under plans offered under the Federal Employees Health Benefits Program (under chapter 89 of title 5, United States Code), or under private health insurance; and

SA 3069. Mr. KOHL submitted an amendment in the nature of a substitute to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:
The title may be cited as the “Combating Elder Abuse and National Silver Alert Act of 2009”.

### SEC. 11. SHORT TITLE

This section may be cited as “Combating Elder Abuse and National Silver Alert Act of 2009”.

### TITLE

—COMBATING ELDER ABUSE AND SILVER ALERTS

### SEC. 31. ANALYSIS, REPORT, AND RECOMMENDATIONS RELATED TO ELDER JUSTICE PROGRAMS

(a) Subject to the availability of appropriations under this section, the Attorney General, in consultation with the Secretary of Health and Human Services, shall carry out the following:

1. **STUDY.—**Conduct a study of laws and practices relating to elder abuse, neglect, and exploitation, and which shall include—

   (A) a comprehensive description of State laws and practices relating to elder abuse, neglect, and exploitation;
   (B) a comprehensive analysis of the effectiveness of such State laws and practices;
   (C) an examination of State laws and practices relating to specific elder abuse, neglect, and exploitation issues, including—
   (i) the definition of—
   (I) “elder”;
   (II) “abuse”;
   (III) “neglect”;
   (IV) “exploitation”; and
   (V) such related terms the Attorney General determines to be appropriate;
   (D) a comprehensive description of State practices relating to—
   (i) who is a mandated reporter;
   (ii) to whom must they report and within what time frame; and
   (iii) any consequences for not reporting;
   (E) evidentiary, procedural, sentencing, choice of remedies, and data retention issues relating to pursuing cases relating to elder abuse, neglect, and exploitation;
   (F) fiduciary laws, including guardianship and power of attorney laws;
   (G) laws that permit or encourage banks and business employees to prevent and report suspected elder abuse, neglect, and exploitation;
   (H) laws relating to fraud and related activities in connection with mail, telemarketing, or the Internet;
   (I) laws that may impede research on elder abuse, neglect, and exploitation;
   (J) practices relating to the enforcement of laws relating to elder abuse, neglect, and exploitation; and
   (K) practices relating to other aspects of elder justice-related cases, including—
   (i) the findings of the study conducted under paragraph (1);
   (ii) a description of the objectives, priorities, policies, and a long-term plan developed under paragraph (2); and
   (iii) a list, description, and analysis of the best practices used by States to develop, implement, maintain, and improve elder justice systems, based on such findings.

2. **GAO RECOMMENDATIONS.—**Not later than 18 months after the date of enactment of this Act, the Comptroller General shall review existing and initiate investigations in the Federal criminal justice system relevant to elder justice and shall submit to Congress:

   (A) a report on such programs and initiatives; and
   (B) any recommendations the Comptroller General determines are appropriate to improve elder justice in the United States.

3. **AUTHORIZATION OF APPROPRIATIONS.—**There are authorized to be appropriated to carry out this section $6,000,000 for each of the fiscal years 2010 through 2016.

### SEC. 32. VICTIM ADVOCACY GRANTS

(a) **GRANTS AUTHORIZED.—**The Attorney General, after consultation with the Secretary of Health and Human Services, shall award grants to eligible entities to study the special needs of victims of elder abuse, neglect, and exploitation.

(b) **AUTHORIZED ACTIVITIES.—**Funds awarded pursuant to subsection (a) shall be used for pilot programs that—

   (1) develop programs for and provide training to—
   (I) service providers, law enforcement, guardians (including guardians, judges and court personnel, and victim advocates); and
   (II) special approaches designed to meet the needs of victims of elder abuse, neglect, and exploitation.

(c) **AUTHORIZATION OF APPROPRIATIONS.—**There are authorized to be appropriated to carry out this section $5,000,000 for each of the fiscal years 2010 through 2016.

### SEC. 33. SUPPORTING LOCAL PROSECUTORS AND COURTS IN ELDER JUSTICE MATTERS

(a) **GRANTS AUTHORIZED.—**Subject to the availability of appropriations under this section, the Attorney General, after consultation with the Secretary of Health and Human Services, shall award grants to eligible entities to conduct a validated evaluation of the effectiveness of the activities carried out through the grant by such recipient.

(b) **AUTHORIZATION OF APPROPRIATIONS.—**There are authorized to be appropriated to carry out this section $8,000,000 for each of the fiscal years 2010 through 2016.

### SEC. 34. SUPPORTING STATE PROSECUTORS AND COURTS IN ELDER JUSTICE MATTERS

(a) **GRANTS AUTHORIZED.—**Subject to the availability of appropriations under this section, the Attorney General, after consultation with the Secretary of Health and Human Services, shall award grants to eligible entities to provide training, technical assistance, multidisciplinary coordination, policy development, and other types of support to State Attorneys General and Medicaid Fraud Control Units handling elder justice-related matters.

(b) **GAO RECOMMENDATIONS.—**Grants under this section may be made for—

   (1) the establishment of specially designated elder justice units in State prosecutors’ offices and State courts; and
   (2) the creation of a position to coordinate elder justice-related cases, training, technical assistance, and policy development for State prosecutors and courts.

### SEC. 35. SUPPORTING LAW ENFORCEMENT IN ELDER JUSTICE MATTERS

(a) **GRANTS AUTHORIZED.—**Subject to the availability of appropriations under this section, the Attorney General, after consultation with the Secretary of Health and Human Services, the Postal Service, the Postmaster General, and the Department of Justice, shall award grants to eligible entities to provide training, technical assistance, multidisciplinary coordination, policy development, and other types of support to police, sheriffs, detectives, public safety officers, corrections and other first responders who handle elder justice-related matters, to fund specially designated elder justice positions or units designed to support first responders in elder justice matters.

(b) **AUTHORIZATION OF APPROPRIATIONS.—**There are authorized to be appropriated to carry out this section $6,000,000 for each of the fiscal years 2010 through 2016.

### SEC. 36. EVALUATIONS

(a) **GRANTS UNDER THIS PART.—**

   (1) In GENERAL.—In carrying out the grant programs under this part, the Attorney General shall—

   (A) require each recipient of a grant to use a portion of the funds made available through the grant to conduct a validated evaluation of the effectiveness of the activities carried out through the grant by such recipient; or
   (B) as the Attorney General considers appropriate, use a portion of the funds available under this part for a grant program to support the award of grants to eligible entities to conduct a validated evaluation of the effectiveness of the activities carried out through such grant program by each of the grant recipients.

   (2) **APPLICATIONS.—**

   (A) **SUBMISSION.—**To be eligible to receive a grant under this part, an entity shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require, which shall include—

   (i) a proposal for the activities required in accordance with paragraph (1)(A); and
   (ii) the amount of assistance under paragraph (1)(B) the entity is requesting, if any.

   (B) **REVIEW AND APPROVAL.—**

   (1) **IN GENERAL.—**An employee of the Department of Justice, after consultation with an employee of the Department of Health and Human Services with expertise in evaluation methodology, shall review each application described in subparagraph (A) and determine whether the methodology described in the proposal under paragraph (A) is adequate to gather meaningful information.

   (2) **DENIAL.—**If the reviewing employee determines the methodology described in such proposal is inadequate to gather meaningful information, the reviewing employee shall recommend that the Attorney General deny the application for the grant.
or make recommendations for how the application should be amended.

(iii) NOTICE TO APPLICANT.—If the Attorney General denies the application on the basis of such proposal, the Attorney General shall inform the applicant of the reasons the application was denied, and offer assistance to the applicant in modifying the proposal.

(b) OTHER SERVICE.—Subject to the availability of appropriations under this section, the Attorney General shall award grants to appropriate entities to conduct evaluated evaluations of grant activities that are funded by Federal funds not provided under this part, or other funds, to reduce elder abuse, neglect, and exploitation.

(c) ADMINISTRATIVE PROVISIONS.—

There are authorized to be appropriated to carry out this section $7,000,000 for each of the fiscal years 2010 through 2016.

SEC. 37. DEFINITIONS.

In this part:

(1) ELDER.—The term ‘‘elder’’ means an individual over age 65 or older.

(2) ELDER JUSTICE.—The term ‘‘elder justice’’ means—

(A) a societal perspective, efforts to—

(i) prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation; and

(ii) protect elders with diminished capacity while maximizing their autonomy; and

(B) from an individual perspective, the recognition of an elder’s rights, including the right to be free of abuse, neglect, and exploitation.

(3) ELIGIBLE ENTITIES.—The term ‘‘eligible entity’’ means a State or local government agency, Indian tribe or tribal organization, or any nonprofit private entity that is engaged in and has expertise in issues relating to elder justice or a field necessary to promote elder justice efforts.

PART II—ELDER SERVE VICTIM GRANT PROGRAMS

SEC. 41. ESTABLISHMENT OF ELDER SERVE VICTIM GRANT PROGRAMS.

(a) ESTABLISHMENT.—The Attorney General, through the Director of the Office of Victims of Crime of the Department of Justice (in this section referred to as the ‘‘Director’’), shall, subject to appropriations, carry out a three-year grant program to be known as the Elder Serve Victim grant program (in this section referred to as the ‘‘Program’’) to provide grants to eligible entities to establish and to facilitate and coordinate programs described in subsection (e) for victims of elder abuse.

(b) ELIGIBILITY REQUIREMENTS FOR GRANTEES.—In order to receive a grant under the Program, an entity must meet the following criteria:

(1) ELIGIBLE CRIME VICTIM ASSISTANCE PROGRAMS.—The entity is a crime victim assistance program receiving a grant under the Victims of Crime Act of 1984 (42 U.S.C. 1411 et seq.) for the period described in subsection (c)(2) with respect to the grant sought under this section.

(2) COORDINATION WITH LOCAL COMMUNITY BASED AGENCIES AND SERVICES.—The entity shall demonstrate to the satisfaction of the Director that such entity has a record of community coordination or established contacts with other county and local services that serve elderly individuals.

(3) ABILITY TO CREATE ECRT ON TIMELY BASIS.—The entity shall demonstrate to the satisfaction of the Director the ability of the entity to create, not later than 6 months after receiving such grant, an Emergency Crisis Response Team program described in subsection (e)(1) and the programs described in subsections (f)(1) and (g)(1) for each year an entity receives such grant.

For purposes of meeting the criteria described in paragraph (2), for each year an entity receives a grant under this section the entity shall provide a report of community coordination or established contacts described in such paragraph through memoranda of understanding, contracts, subcontracts, and other such documentation.

(c) ADMINISTRATIVE PROVISIONS.—

(1) CONSULTATION.—The Program established pursuant to this section shall be developed and carried out in consultation with the following entities, as appropriate:

(A) Relevant Federal, State, and local public and private agencies and entities, relating to elder abuse, neglect, and exploitation of other crimes against elderly individuals.

(B) Local law enforcement including police, sheriffs, detectives, public safety officers, corrections personnel, prosecutors, medical examiners, investigators, and coroners.

(C) Long-term care and nursing facilities.

(2) GRANT PERIOD.—Grants under the Program shall be issued for a three-year period.

(3) COMMUNICATION.—The Program shall be carried out in six geographically and demographically diverse locations, taking into account—

(A) the number of elderly individuals residing in or near an area; and

(B) the difficulty of access to immediate short-term health and health services for victims of elder abuse.

(d) PERSONNEL.—In providing care and services, each program established pursuant to this section may employ a staff to assist in creating an Emergency Crisis Response Teams under subsection (e)(1).

(e) USE OF GRANTS.—

(1) EMERGENCY CRISIS RESPONSE TEAM.—Each entity that receives a grant under this section shall use such grant to establish an Emergency Crisis Response Team program by not later than the date that is six months after the entity receives the grant. Under such program the following shall apply:

(A) Such program shall include immediate, short-term emergency services, including shelter, care services, food, clothing, transportation to medical or legal appointment as appropriate.

(B) Such program shall provide services to victims of elder abuse, including those who have been referred to the program through the adult protective services agency of the local law enforcement or any other relevant law enforcement agency.

(C) A victim of elder abuse may not receive short-term housing under the program for more than 30 consecutive days.

(D) The entity that established the program shall enter into arrangements with the relevant local law enforcement agencies so that the program receives quarterly reports from such agencies on elder abuse.

(2) ADDITIONAL SERVICES REQUIRED TO BE PROVIDED.—Not later than one year after the date an entity receives a grant under this section, such entity shall establish the following programs (and community collaborations to support such programs):

(A) COUNSELING.—A program that provides counseling and assistance for victims of elder abuse accessing health care, educational, pension, or other benefits for which seniors may be eligible under Federal or applicable State law.

(B) MENTAL HEALTH SCREENING.—A program that provides mental health screenings for victims of elder abuse to identify and refer victims with mental health disorders such as depression or substance abuse.

(C) EMERGENCY LEGAL ADVOCACY.—A program that provides legal services for the victims of elder abuse and, as appropriate, their families.

(3) TECHNICAL ASSISTANCE.—The Director shall enter into contracts with private entities with experience in elder abuse coordination and victim services to coordinate technical assistance to grantees under this section as the entity determines appropriate.

(g) REPORTS TO CONGRESS.—Not later than 12 months after the commencement of the Program, and annually thereafter, the entity shall submit a report to the Chairman and Ranking Member of the Committee on the Judiciary of the House of Representatives, and the Chairman and Ranking Member of the Special Committee on Aging of the Senate. Each report shall include the following:

(1) A description and assessment of the implementation of the Program.

(2) An assessment of the effectiveness of the Program in providing resources and services to seniors, including a comparative assessment of effectiveness for each of the locations designated under subsection (c)(3) for the Program.

(3) An assessment of the effectiveness of the coordination for programs described in subsection (e) in contributing toward the effectiveness of the Program.

(4) Such recommendations as the entity considers appropriate for modifications of the Program in order to better provide care and services to seniors.

(h) DEFINITIONS.—For purposes of this section:

(1) ELDER ABUSE.—The term ‘‘elder abuse’’ means any type of violence or abuse, whether mental or physical, inflicted upon an elderly individual, and any type of criminal financial exploitation of an elderly individual.

(2) ELDERLY INDIVIDUAL.—The term ‘‘elderly individual’’ means an individual who is age 60 or older.

(3) ELIGIBILITY.—The term ‘‘eligibility’’ means the following:

(i) The entity that establishes the program shall be deemed necessary by the entity for victims of elder abuse.

(ii) Such program shall provide services to victims of elder abuse, including those who have been referred to the program through the adult protective services agency of the local law enforcement or any other relevant law enforcement agency.

(iii) A victim of elder abuse may not receive short-term housing under the program for more than 30 consecutive days.

(iv) The program shall enter into arrangements with the relevant local law enforcement agencies so that the program receives quarterly reports from such agencies on elder abuse.

(v) Additional services required to be provided.

(vi) A description and assessment of the implementation of the Program.

(vii) An assessment of the effectiveness of the Program in providing resources and services to seniors, including a comparative assessment of effectiveness for each of the locations designated under subsection (c)(3) for the Program.

(viii) An assessment of the effectiveness of the coordination for programs described in subsection (e) in contributing toward the effectiveness of the Program.

(ix) Such recommendations as the entity considers appropriate for modifications of the Program in order to better provide care and services to seniors.

(x) A definition of ‘‘elder abuse’’.

(xi) A definition of ‘‘elderly individual’’.

(xii) A definition of ‘‘eligibility’’.

(xiii) A definition of ‘‘emergency crisis response team’’.

(xiv) A definition of ‘‘emergency legal advocacy’’.

(xv) A definition of ‘‘technical assistance’’.

(xvi) A definition of ‘‘elder abuse’’.

(xvii) A definition of ‘‘elderly individual’’.

(xviii) A definition of ‘‘eligibility’’.

(4) SUBTITLE B—National Silver Alert

SEC. 51. SHORT TITLE.

This subtitle may be cited as the ‘‘National Silver Alert Act’’.

SEC. 52. DEFINITIONS.

For purposes of this subtitle:

(1) STATE.—The term ‘‘State’’ means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(2) MISSING SENIOR.—The term ‘‘missing senior’’ refers to any individual who—

(A) is reported to, or identified by, a law enforcement agency as a missing person; and

(B) meets the requirements to be designated as a missing senior, as determined by the State in which the individual is reported or identified as a missing person.

SEC. 53. SILVER ALERT COMMUNICATIONS NETWORK.

The Attorney General shall, subject to the availability of appropriations under section 45, establish a national Silver Alert communications network within the Department of Justice to provide assistance to regional and local search efforts for missing seniors through the initiation, facilitation, and promotion of local elements of the network.
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(known as Silver Alert plans) in coordination with States, units of local government, law enforcement agencies, and other concerned entities with expertise in providing services to seniors.

SEC. 54. SILVER ALERT COORDINATOR.

(a) NATIONAL COORDINATOR WITHIN DEPARTMENT OF JUSTICE.—The Attorney General shall designate an individual of the Department of Justice to act as the national coordinator of the Silver Alert communications network.

(b) DUTIES OF THE COORDINATOR.—In acting as the national coordinator of the Silver Alert communications network, the Coordinator shall—

(1) coordinate with other agencies.

(2) establish voluntary guidelines for States to use in developing additional Silver Alert plans in the network;

(3) develop voluntary guidelines for States to use in developing Silver Alert plans that will promote compatible and integrated Silver Alert plans throughout the United States, including—

(A) a list of the resources necessary to establish a Silver Alert plan;

(B) criteria for evaluating whether a situation involves a Silver Alert taking into consideration the need for the use of such Alerts to be limited in scope because the effectiveness of the Silver Alert communications network may be affected by over-use, including criteria to determine—

(i) whether the mental capacity of a senior who is missing, and the circumstances of his or her disappearance, warrant the issuance of a Silver Alert; and

(ii) whether the individual who reports that a senior is missing is an appropriate and credible source on which to base the issuance of a Silver Alert;

(C) a description of the appropriate uses of the Silver Alert name to readily identify the nature of search efforts for missing seniors; and

(D) recommendations on how to protect the privacy, dignity, independence, and autonomy of any missing senior who may be the subject of a Silver Alert;

(4) actions States have taken to protect the privacy, dignity, independence, and autonomy of any missing senior who may be the subject of a Silver Alert;

(5) develop proposed protocols for efforts to recover missing seniors, and to reduce the number of seniors who are reported missing, including protocols for procedures that are needed from the time of initial notification of a missing senior, such as establishing the need for the return of the senior to family, guardian, or domicile, as appropriate, including—

(A) public safety communications protocols;

(B) case management protocols;

(C) command center operations;

(D) reunification protocol;

(E) access, situation, debriefing, and public information procedures;

(5) work with States to ensure appropriate regional coordination of various elements of the network;

(6) establish an advisory group to assist States, units of local government, law enforcement agencies, and other interested groups involved in promoting Silver Alert communications network with initiating, facilitating, and promoting Silver Alert plans, which shall include—

(A) to the maximum extent practicable, representation from the various geographic regions of the United States; and

(B) members who are—

(i) members of senior citizen advocacy groups, law enforcement agencies, and public safety communications;

(ii) broadcasters, first responders, dispatch personnel, and public safety personnel;

(iii) representatives of any other individuals or organizations that the Coordinator determines are necessary to the success of the Silver Alert communications network; and

(6) act as the nationwide point of contact for—

(A) the development of the network; and

(B) regional coordination of alerts for missing seniors through the network.

(b) COORDINATION WITH OTHER AGENCIES.—The Coordinator shall coordinate and consult with the Secretary of Transportation, the Federal Communications Commission, the Assistant Secretary for Aging of the Department of Health and Human Services, the head of the Missing Alzheimer’s Disease Patient Alert Program, and the Assistant Secretary of the appropriate offices of the Department of Justice in carrying out activities under this subtitle.

(2) STATE AND LOCAL COORDINATION.—The Coordinator shall consult with local broadcasters and State and local law enforcement agencies in establishing minimum standards under section 55 and in carrying out other activities under this subtitle, as appropriate.

(c) ANNUAL REPORTS.—Not later than one year after the date of enactment of this Act, and annually thereafter, the Coordinator shall submit to Congress a report on the activities of the Coordinator and the effectiveness and status of the Silver Alert plans of each State that is a part of the Silver Alert communications network. Each such report shall include—

(1) a list of States that have established Silver Alert plans;

(2) a list of States that are in the process of establishing Silver Alert plans;

(3) for each State that has established such a plan, to the extent the data is available—

(A) the number of Silver Alerts issued;

(B) the number of individuals located successfully;

(C) the average period of time between the issuance of a Silver Alert and the location of the individual for whom such Alert was issued;

(D) the State agency or authority issuing Silver Alerts, and the process by which Silver Alerts are disseminated;

(E) the cost of establishing and operating such a plan;

(F) the criteria used by the State to determine whether to issue a Silver Alert; and

(G) the extent to which missing individuals for whom Silver Alerts were issued crossed State lines;

(4) actions States have taken to protect the privacy and dignity of the individuals for whom Silver Alerts have been issued; and

(5) ways that States have facilitated and improved communication about missing individuals between families, caregivers, law enforcement officials, and other authorities; and

(6) any other information the Coordinator determines to be necessary.

SEC. 55. MINIMUM STANDARDS FOR ISSUANCE AND DISSEMINATION OF ALERTS THROUGH SILVER ALERT COMMUNICATIONS NETWORK.

(a) ESTABLISHMENT OF MINIMUM STANDARDS.—Subject to subsection (b), the Coordinator shall establish minimum standards for—

(1) the issuance of alerts through the Silver Alert communications network; and

(2) the expansion of the dissemination of alerts issued through the network.

(b) LIMITATIONS.—

(1) VOLUNTARY PARTICIPATION.—The minimum standards established under subsection (a) of this section, and any other guidelines and programs established under section 54, shall be adoptable on a voluntary basis only.

(2) DISSEMINATION OF INFORMATION.—The minimum standards shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State and local law enforcement agencies), provide that appropriate information relating to the specific needs of a missing senior (including health care needs) are disseminated to the appropriate law enforcement, public health, and other public officials.

(3) GEOGRAPHIC AREA.—The minimum standards shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State and local law enforcement agencies), provide that the dissemination of an alert through the Silver Alert communications network be limited to the geographic areas in which the missing senior reasonably may be located, considering the missing senior’s circumstances and physical and mental condition, the modes of transportation available to the missing senior, and the circumstances of the disappearance.

(4) AGE REQUIREMENTS.—The minimum standards shall not include any specific age requirement for an individual to be classified as a missing senior for purposes of the Silver Alert communication network. Age requirements for determinations of whether an individual is a missing senior shall be determined by each State, and may vary from State to State.

SEC. 56. TRAINING AND OTHER RESOURCES.

(a) TRAINING AND OTHER PROGRAMS.—The Coordinator shall make available, to States, units of local government, law enforcement agencies, and other concerned entities that are involved in initiating, facilitating, or promoting Silver Alert plans, including broadcasters, first responders, dispatch personnel, public safety personnel, and radio station personnel—

(1) training and educational programs related to the Silver Alert communication network and the capabilities, limitations, and anticipated behaviors of missing seniors, which shall be updated regularly to encourage the use of new tools, technologies, and resources in Silver Alert plans; and

(2) informational materials, including brochures, videos, posters, and websites to support and supplement such training and educational programs.

(b) COORDINATION.—The Coordinator shall coordinate—

(1) with the Assistant Secretary for Aging of the Department of Health and Human Services in developing the training and educational programs and materials under subsection (a); and

(2) with the head of the Missing Alzheimer’s Disease Patient Alert Program within the Department of Justice, to determine if any existing material with respect to training programs or educational materials for care for or use as a substitute for a Senior Alert Program are appropriate and may be used for the programs under subsection (a).
the fiscal years 2010 through 2014.

BASIS.—The Attorney General shall, to the maximum extent practicable, ensure the distribution of grants under the program under subsection (a) on an equitable basis throughout the United States, and shall designate the Attorney General shall carry out a program to provide grants to States for the development and enhancement of systems, programs and activities for the support of Silver Alert plans and the Silver Alert communications network.

(b) ACTIVITIES.—Activities funded by grants under the program under subsection (a) may include—

(1) the development and implementation of education and training programs, and associated materials, relating to Silver Alert plans;

(2) the development and implementation of law enforcement programs, and associated equipment, relating to Silver Alert plans;

(3) the development and implementation of new technologies to improve Silver Alert communications; and

(4) other activities as the Attorney General considers appropriate for supporting the Silver Alert communications network.

(c) FEDERAL SHARE.—The Federal share of the costs of programs and activities funded by grants under the program under subsection (a) may not exceed 50 percent.

d) DISTRIBUTION OF GRANTS ON GEOGRAPHIC BASIS.—The Attorney General shall, to the maximum extent practicable, ensure the distribution of grants under the program under subsection (a) on an equitable basis throughout the United States, and shall designate the Attorney General shall prescribe requirements, including application requirements, for grants under the program under subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) There is authorized to be appropriated to the Department of Justice $5,000,000 for each of the fiscal years 2010 through 2014 to carry out this section and, in addition, $5,000,000 for each of the fiscal years 2010 through 2019 to carry out subsection (a).

(2) Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

SEC. 59. SANCTUARY FOR VOLUNTARY ELECTRONIC MONITORING PROGRAM.

(a) PROGRAM AUTHORIZED.—The Attorney General, after consultation with the Secretary of Health and Human Services, is authorized to award grants to States and units of local government to carry out programs to provide voluntary electronic monitoring services to certain individuals to assist in the location of such individuals if such individuals are reported as missing.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000 for each of the fiscal years 2010 through 2014.

(c) DISQUALIFICATION.—The grant authorized under this section shall be referred to as the “Sammy Kirk Voluntary Electronic Monitoring Program”.

Subtitle C—Kristen’s Act Reauthorization

SEC. 61. SHORT TITLE. This subtitle may be cited as “Kristen’s Act Reauthorization of 2009”.

SEC. 62. FINDINGS.

Congress finds the following:

(1) Every year thousands of adults become missing due to age, dementia and mental capacity, or foul play. Often there is no information regarding the whereabouts of these adults and many of them are never reunited with their families.

(2) Missing adults are at great risk of both physical harm and sexual exploitation.

(3) In most cases, local law enforcement officials have neither the resources nor the expertise to undertake appropriate search efforts for a missing adult.

(4) The search for a missing adult requires cooperation and coordination among Federal, State, and local law enforcement agencies and assistance from distant communities where the adult is located.

(5) Federal assistance is urgently needed to help with coordination among such agencies.

SEC. 63. GRANTS FOR THE ASSISTANCE OF ORGANIZATIONS TO FIND MISSING ADULTS.

(a) GRANTS.—

(1) GRANT PROGRAM.—Subject to the availability of appropriations to carry out this section, the Attorney General shall make competitive grants to public agencies or nonprofit private organizations, or combinations thereof, to—

(A) maintain a national resource center and information clearinghouse for missing and unidentified adults;

(B) maintain a national, interconnected database for the purpose of tracking missing adults who are determined by law enforcement to be endangered due to age, diminished mental capacity, or the circumstances of disappearance, when foul play is suspected or circumstances are unknown;

(C) coordinate public and private programs that locate or recover missing adults or reunite missing adults with their families;

(D) provide assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, nonprofit organizations, and individuals in the prevention, investigation, prosecution, and treatment of cases involving missing adults;

(E) provide assistance to families in locating and recovering missing adults; and

(F) assist in public notification and victim advocacy related to missing adults.

(2) GRANT PROGRAM.—Subject to the availability of appropriations to carry out this section, the Attorney General shall make competitive grants to public agencies or nonprofit private organizations, or combinations thereof, to—

(A) maintain a national resource center and information clearinghouse for missing and unidentified adults;

(B) maintain a national, interconnected database for the purpose of tracking missing adults who are determined by law enforcement to be endangered due to age, diminished mental capacity, or the circumstances of disappearance, when foul play is suspected or circumstances are unknown;

(C) coordinate public and private programs that locate or recover missing adults or reunite missing adults with their families;

(D) provide assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, nonprofit organizations, and individuals in the prevention, investigation, prosecution, and treatment of cases involving missing adults;

(E) provide assistance to families in locating and recovering missing adults; and

(F) assist in public notification and victim advocacy related to missing adults.

(3) APPLICATION.—Subsection (a) shall apply to discharges occurring on or after October 1, 2009.

(4) SPECIAL RULE FOR FT 20.—In the case of any hospital whose year three Medicare Geographic Classification Review Board reclassification was lost or eliminated for fiscal 2010, the Secretary of Health and Human Services shall establish a process under which such hospital shall have 30 days from the date of the enactment of this Act to notify the Secretary of the hospital’s election to continue as a Medicare Geographic Classification Review Board reclassification.

SEC. 2594. EXCEPTION TO MEDICAID COVERAGE ELIMINATION OF MEDICAID EXCLUSION AND INCLUSION OF WEIGHT LOSS DRUGS AS COVERED MEDICARE PART D DRUGS.

(a) ELIMINATION OF MEDICAID EXCLUSION.—Section 1927(q)(2)(A) of the Social Security Act (42 U.S.C. 1395w-102(2)(A)) is amended by inserting “, other than prescription weight loss agents approved by the Food and Drug Administration which are intended for the treatment of overweight patients or for overweight patients with a weight-related co-morbidity such as hypertension, type 2 diabetes, or dyslipidemia after weight gain”.

(b) INCLUSION OF COVERAGE UNDER MEDICARE PART D.—Section 1860D-2(e)(1) of the Social Security Act (42 U.S.C. 1395ww(e)(1)) is amended in the first sentence and the sentence below subparagraph (B), by inserting “and prescription weight loss agents approved by the Food and Drug Administration when used for obese patients or for overweight patients with a weight-related co-morbidity such as hypertension, type 2 diabetes or dyslipidemia,” before the period.

SEC. 3071. Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 510, between lines 19 and 20, insert the following:

SEC. 317. TREATMENT OF CERTAIN MEDICARE GEOGRAPHIC CLASSIFICATION REVIEW BOARD (MCCRB) RECLASSIFICATIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, for purposes of making payments under Section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)), the Secretary of Health and Human Services shall permit any hospital with Medicare Geographic Classification Review Board reclassifications that overlap for one fiscal year with the option to continue year three of the earlier reclassification, which ending year is the subsequent reclassification. Such option shall be in addition to the option to immediately transition to year one of the subsequent reclassification with the loss of year three of the earlier reclassification.

(b) APPLICATION.—

(1) IN GENERAL.—Subsection (a) shall apply to discharges occurring on or after October 1, 2009.

(2) SPECIAL RULE FOR FY 2010.—In the case of any hospital whose year three Medicare Geographic Classification Review Board reclassification was lost or eliminated for fiscal 2010, the Secretary of Health and Human Services shall establish a process under which such hospital shall have 30 days from the date of the enactment of this Act to notify the Secretary of the hospital’s election to continue for fiscal 2010 the third year of their earlier Medicare Geographic Classification Review Board reclassification.

SEC. 3072. Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 510, between lines 19 and 20, insert the following:

SEC. 3073. TREATMENT OF CERTAIN MEDICARE GEOGRAPHIC CLASSIFICATION REVIEW BOARD (MCCRB) RECLASSIFICATIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, for purposes of making payments under Section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)), the Secretary of Health and Human Services shall permit any hospital with Medicare Geographic Classification Review Board reclassifications that overlap for one fiscal year with the option to continue year three of the earlier reclassification, which ending year is the subsequent reclassification. Such option shall be in addition to the option to immediately transition to year one of the subsequent reclassification with the loss of year three of the earlier reclassification.

(b) APPLICATION.—

(1) IN GENERAL.—Subsection (a) shall apply to discharges occurring on or after October 1, 2009.

(2) SPECIAL RULE FOR FT 20.—In the case of any hospital whose year three Medicare Geographic Classification Review Board reclassification was lost or eliminated for fiscal 2010, the Secretary of Health and Human Services shall establish a process under which such hospital shall have 30 days from the date of the enactment of this Act to notify the Secretary of the hospital’s election to continue for fiscal 2010 the third year of their earlier Medicare Geographic Classification Review Board reclassification.

SEC. 3074. EXCEPTION TO MEDICAID COVERAGE ELIMINATION OF MEDICAID EXCLUSION AND INCLUSION OF WEIGHT LOSS DRUGS AS COVERED MEDICARE PART D DRUGS.

(a) ELIMINATION OF MEDICAID EXCLUSION.—Section 1927(q)(2)(A) of the Social Security Act (42 U.S.C. 1395w-102(2)(A)) is amended by inserting “, other than prescription weight loss agents approved by the Food and Drug Administration which are intended for the treatment of overweight patients or for overweight patients with a weight-related co-morbidity such as hypertension, type 2 diabetes, or dyslipidemia after weight gain”.

(b) INCLUSION OF COVERAGE UNDER MEDICARE PART D.—Section 1860D-2(e)(1) of the Social Security Act (42 U.S.C. 1395ww(e)(1)) is amended in the first sentence and the sentence below subparagraph (B), by inserting “and prescription weight loss agents approved by the Food and Drug Administration when used for obese patients or for overweight patients with a weight-related co-morbidity such as hypertension, type 2 diabetes or dyslipidemia,” before the period.
Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1265, lines 14, after the first period insert the following:

**SEC. 399MM-4. WORKPLACE DISEASE MANAGEMENT AND WELLNESS PUBLIC-PRIVATE PARTNERSHIP.**

"(a) IN GENERAL.—The Secretary, in coordination with the Secretary of Labor, the Secretary of the Treasury, the Secretary of Commerce, the Administrator of the Small Business Administration, employers (including small, medium, and large employers), employer organizations, worksite health promotion organizations, State and local health departments, Indian tribes and tribal organizations, and academic institutions, shall provide for the implementation of a national public-private partnership to:

1. promote the benefits of workplace wellness programs;

2. understand what types of disease prevention and workplace wellness programs are effective, considering different environments, factors, and circumstances;

3. identify obstacles to the implementation of disease prevention and workplace wellness programs, issues relating to employer size and resources, and best practices for the scalable implementation of such programs;

4. understand what factors influence employees to participate in workplace disease prevention and wellness programs;

5. emphasize an integrated and coordinated approach to workplace disease management and wellness programs;

6. develop new strategies through the sharing of high quality information and best practices; and

7. recommend policies to encourage or stimulate the utilization of worksite disease management and wellness programs, including specific recommendations as to the types of technical and other assistance that may be necessary to fully implement section 399MM.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary, on behalf of the Centers on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, shall provide—

1. the findings of the public-private partnership implemented under subsection (a); and

2. recommendations for statutory changes that may be required or useful to implement the findings described in paragraph (1) and to encourage the development of worksite disease management and wellness programs.

(c) RECOMMENDATIONS BY CDC.—The Director of the Centers for Disease Control and Prevention shall collect information concerning workplace wellness programs and make recommendations to the Secretary on ways to improve such programs.

SA 3073. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. Baucus, Mr. Dodd, and Mr. Harkin) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1266, lines 17 and 18, insert the following:

**Subtitle F—Programs relating to Congenital Heart Disease**

**SEC. 399NN-1. PUBLIC EDUCATION AND AWARENESS OF CONGENITAL HEART DISEASE.**

"(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in collaboration with appropriate congenital heart disease patient organizations and professional organizations, may directly or through grants, cooperative agreements, or contracts to eligible entities conduct and promote a comprehensive public education and awareness campaign to increase public and medical community awareness regarding congenital heart disease, including the need for lifelong treatment of congenital heart disease survivors.

"(b) ELIGIBILITY FOR GRANTS.—To be eligible to receive a grant, cooperative agreement, or contract under this section, an entity shall be a State or private nonprofit entity and shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

**SEC. 399NN-2. NATIONAL CONGENITAL HEART DISEASE REGISTRY.**

"(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may:

1. enhance and expand infrastructure to track the epidemiology of congenital heart disease and to organize such information into a nationally-representative surveillance system with development of a population-based registry of actual occurrences of congenital heart disease, to be known as the 'National Congenital Heart Disease Registry'; or

2. award a grant to one eligible entity to undertake the activities described in paragraph (1).

"(b) PURPOSE.—The purpose of the Congenital Heart Disease Registry shall be to facilitate further research into the types of health services patients use and to identify possible areas for educational outreach and prevention in accordance with standard practices of the Centers for Disease Control and Prevention.

"(c) CONTENT.—The Congenital Heart Disease Registry shall:

1. identify and ascertain all congenital heart disease survivors.

2. be used to collect and store data on congenital heart disease, including data concerning—

A demographic factors associated with congenital heart disease, such as age, race, ethnicity, sex, and family history of individuals who are diagnosed with the disease;

B risk factors associated with the disease;

C causation of the disease;

D treatment approaches; and

E outcome measures, such that analysis of the outcome measures will allow derivation of evidence-based best practices and guidelines for congenital heart disease patients; and

3. may ensure the collection and analysis of longitudinal data related to individuals of all ages with congenital heart disease, including infants, young children, adolescents, and adults of all ages.

"(d) COORDINATION WITH FEDERAL, STATE, AND LOCAL REGISTRIES.—In establishing the National Congenital Heart Registry, the Secretary shall identify, expand, and coordinate among existing data and surveillance systems, surveys, registries, and other

**SEC. 4501. PROGRAMS RELATING TO CONGENITAL HEART DISEASE.**

(a) SHORT TITLE.—This subtitle may be cited as the "Congenital Heart Futures Act".

(b) PROGRAMS RELATING TO CONGENITAL HEART DISEASE.

(1) PUBLIC EDUCATION AND AWARENESS: NATIONAL REGISTRY: ADVISORY COMMITTEE. —
Federal public health infrastructure, including—

(1) State birth defects surveillance systems;
(2) the State birth defects tracking systems of the Centers for Disease Control and Prevention;
(3) the Metropolitan Atlanta Congenital Defects Program; and
(4) the National Birth Defects Prevention Network.

(e) PUBLIC ACCESS.—The Congenital Heart Disease Registry shall be made available to the public, as appropriate, including congenital heart disease researchers.

(f) SECURITY.—The Secretary shall ensure that the Congenital Heart Disease Registry is maintained in a manner that complies with the regulations promulgated by the section 264 of the Health Insurance Portability and Accountability Act of 1996.

(g) ELIGIBILITY FOR GRANT.—To be eligible to receive a grant under subsection (a)(2), an entity shall—

(1) be a public or private nonprofit entity with specialized experience in congenital heart disease; and
(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2010 through 2014.

SEC. 399NN-3. ADVISORY COMMITTEE ON CONGENITAL HEART DISEASE.

(a) ESTABLISHMENT.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may establish an advisory committee, to be known as the ‘‘Advisory Committee on Congenital Heart Disease’’ (referred to in this section as the ‘‘Advisory Committee’’).

(b) MEMBERSHIP.—The members of the Advisory Committee may be appointed by the Secretary, acting through the Centers for Disease Control and Prevention, and shall include—

(1) at least one representative from—
(A) the National Institutes of Health;
(B) the Centers for Disease Control and Prevention; and
(C) a national patient advocacy organization with experience advocating on behalf of patients living with congenital heart disease;

(2) at least one epidemiologist who has experience working with data registries;

(3) clinicians, including—
(A) at least one with experience diagnosing or treating congenital heart disease; and
(B) at least one with experience using medical data registries; and

(4) at least one public or private fund- ed researcher with experience researching congenital heart disease.

(c) ADVISORY COMMITTEE MAY REVIEW INFORMATION AND MAKE RECOMMENDATIONS TO THE SECRETARY CONCERNING—

(1) the development and maintenance of the National Congenital Heart Disease Registry established under section 399NN-2;

(2) the type of data to be collected and stored in the National Congenital Heart Disease Registry;

(3) the manner in which such data is to be collected;

(4) the use and availability of such data, including guidelines for such use; and

(5) other matters, as the Secretary determines to be appropriate.

(d) REPORT.—Not later than 180 days after the day on which the Advisory Committee is established and annually thereafter, the Advisory Committee shall submit a report to the Secretary concerning the information described in subsection (c), including recommendations with respect to the results of the Advisory Committee’s review of such information.

SEC. 399NN-4. CONGENITAL HEART DISEASE RESEARCH.

(a) IN GENERAL.—The Secretary shall provide for—

(1) the development and coordination of research activities of the Institute with respect to congenital heart disease, which may include congenital heart disease research with respect to—

(A) diagnosis, treatment, and prevention;

(B) studies using longitudinal data and retrospective analysis to identify effective treatments and outcomes for individuals with congenital heart disease; and

(C) identifying barriers to life-long care for individuals with congenital heart disease;

(b) COORDINATION OF RESEARCH ACTIVITIES.—The Secretary may establish an advisory committee, to be known as the ‘‘Genetics Advisory Committee’’, which may review information and make recommendations to the Secretary concerning—

(1) the coordination of research and related activities of the Institute with respect to genetic causes;

(2) long-term outcomes in individuals with congenital heart disease, including infants, children, teenagers, adults, and elderly individuals;

(3) diagnosis, treatment, and prevention; and

(4) at least one publicly or privately funded research teaching institution and may develop research networks.

(c) MINORITY AND MEDICALLY UNDER-SERVED COMMUNITIES.—In carrying out the activities described in this section, the Director of the Institute shall consider the application of such research and other activities to minority and medically underserved communities.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the amendments made by this section such sums as may be necessary for each of fiscal years 2010 through 2014.

SA 3076. Mr. DURBIN (for himself and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. Baucus, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time prescription and nonprescription tobacco cessation agents approved by the Food and Drug Administration for cessation of tobacco use by individuals who use tobacco products or who are being treated for tobacco use that is furthering interference with State law (or the State regulatory mechanism provided by State law) of the State in which the services are furnished; and

(ii) is authorized to receive payment for other services under this title or is designing the causation of tobacco use.

(b) Subject to paragraph (3), such term is limited to—

(1) services recommended with respect to individuals in ‘‘Treating Tobacco Use and Dependence: 2008 Update: A Clinical Practice Guideline’’, published by the Public Health Service in May 2008, or any subsequent modification of such Guideline; and

(2) such other services that the Secretary recognizes to be effective for cessation of tobacco use.

(c) Such term shall not include coverage for drugs or biologicals that are not otherwise covered under this title.

(d) EXCLUSION FROM OPTIONAL RESTRICTION UNDER MEDICAID PRESCRIPTION DRUG COVERAGE.—Section 1927(d)(2)(F) of the Social Security Act (42 U.S.C. 1396d-o(2)(d)(2)(F)), as amended by section 2502(a), is amended by inserting before the period at the end the following:

‘‘(except when recommended in accordance with the Guideline referred to in section 1905(bb)(2)(A));’’.

(e) REMOVAL OF COST-SHARING FOR COUNSELING AND PHARMACOTHERAPY FOR CES- SATION OF TOBACCO USE.—

(1) GENERAL COST-SHARING LIMITATIONS.—Section 1916 of the Social Security Act (42 U.S.C. 1396o) is amended in each of subsections (a)(2)(D) and (b)(2)(D) by inserting ‘‘and counseling and pharmacotherapy for cessation of tobacco use (as defined in section 1905(bb)) and covered outpatient drugs (as defined in subsection (k)(2) of section 1927 and including nonprescription drugs described in subsection (d)(2) of such section) that are prescribed for purposes of promoting, and when used to promote, tobacco cessation in accordance with the Guideline referred to in section 1905(bb)(2)(A)’’ after ‘‘section 1905(bb)(2)(A)’’. ‘‘.

(f) APPLICATION TO ALTERNATIVE COST-SHARING.—Section 1916(b)(3)(B) of such Act (42 U.S.C. 1396o(b)(3)(B)) is amended by adding at the end the following:

‘‘counseling and pharmacotherapy for cessation of tobacco use (as defined in section 1905(bb)) and covered outpatient drugs (as defined in subsection (k)(2) of section 1927 and including nonprescription drugs described in subsection (d)(2) of such section) that are prescribed for purposes of promoting, and when used to promote, tobacco cessation in accordance with the Guideline referred to in section 1905(bb)(2)(A).’’

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2010.

SA 3077. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. Baucus, Mr. DODD, and Mr. HARKIN to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time
homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 816, after line 20, add the following:

SEC. 3115. MEDICARE PASS-THROUGH PAYMENTS FOR CRNA SERVICES.

(a) Treatment of Critical Access Hospitals as Rural in Determining Eligibility for Critical Access Hospital Pass-Through Payments.—Section 9320(k) of the Omnibus Budget Reconciliation Act of 1986 (42 U.S.C. 1395kk note), as added by section 608(c)(2) of the Family Support Act of 1988 and amended by section 6132 of the Omnibus Budget Reconciliation Act of 1990, is amended by adding at the end the following:

"(3) Any facility that qualifies as a critical access hospital (as defined in section 1861(mm)(1) of the Social Security Act) shall be treated as being located in a rural area for purposes of paragraph (1) regardless of any geographic reclassification of the facility, including such a reclassification of the county in which the facility is located as an urban county (also popularly known as a Lugar county) under section 1886(d)(8)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(8)(B))."

(b) Treatment of Standby and On-Call Costs.—Such section 9320(k), as amended by subsection (a), is further amended by adding at the end the following:

"(4) In determining the reasonable costs incurred by a hospital or critical access hospital for the services of a certified registered nurse anesthetist for CRNA services provided for Disease Control and Prevention and the Advisory Committee established under paragraph (3):"

(i) the occurrence of breast cancer and the general and specific risk factors in women who may be at high risk for breast cancer based on familial, racial, ethnic, and cultural backgrounds such as Ashkenazi Jewish populations;

(ii) evidence-based information that would encourage young women and their health care professional to increase early detection of breast cancers and the availability of health information and other resources for young women diagnosed with breast cancer on:

(1) fertility preservation;

(2) support, including social, emotional, psychosocial, financial, lifestyle, and caregiver support;

(3) familial risk factors;

(4) prevention and early detection strategies to reduce recurrence or metastasis;

(5) evidence-based, age-appropriate messages. — The campaign shall provide evidence-based, age-appropriate messages and materials developed by the Centers for Disease Control and Prevention and the Advisory Committee established under paragraph (3);

(6) Media Campaign. — In conducting the education campaign under paragraph (1), the Secretary shall award grants to entities to establish national multimedia campaigns oriented to young women that may include advertising through television, radio, print media, billboards, posters, all forms of existing and especially emerging social networking media, and any other medium determined appropriate by the Secretary;

(7) Advisory Committee. — The Secretary, acting through the Director of the Centers for Disease Control and Prevention and Prevention and the Advisory Committee established under paragraph (4), shall:

(A) Establish.—Not later than 60 days after the date of the enactment of this section, the Secretary, acting through the Director of the Centers for Disease Control and Prevention and Prevention and an advisory committee to assist in creating and conducting the education campaigns under paragraph (1) and subsection (b)(1), shall:

(B) Membership.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall appoint to the advisory committee under subparagraph (A) such persons as it deems necessary to properly advise the Secretary, and shall include organizations and individuals with expertise in breast cancer, disease prevention, early detection, diagnosis, public health, social marketing, genetic screening and counseling, treatment, rehabilitation, palliative care, and survivorship in young women.

(b) Health Care Professional Education Campaign. —

(1) In General. — The Secretary, acting through the Director of the Centers for Disease Control and Prevention and Prevention and in consultation with the Administrator of the Health Resources and Services Administration, shall establish a health care professional education campaign among physicians and other health care professionals to increase awareness—

"(C) familial risk factors; and"

"(3) Inclusion of Standby and On-Call Costs in Determining Reasonable Costs for CRNA Services.—The amendment made by subsection (b) shall apply to costs incurred in cost reporting periods beginning in fiscal years after fiscal year 2003."

"SA 3078. Ms. KLOBUCHAR (for herself and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title IV, insert the following:

SEC. 4. YOUNG WOMEN'S BREAST HEALTH AWARENESS AND SUPPORT OF YOUNG WOMEN DIAGNOSED WITH BREAST CANCER.

(a) Young Women's Breast Health Education and Awareness Requires Learning Young Act of 2009 or "EARY\textsuperscript{TM}". — This section may be cited as the "Young Women's Breast Health Education and Awareness Requires Learning Young Act of 2009" or "EARY\textsuperscript{TM}".

(b) Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

"PART S—PROGRAMS RELATING TO BREAST HEALTH AND CANCER

SEC. 3869H. YOUNG WOMEN'S BREAST HEALTH AWARENESS AND SUPPORT OF YOUNG WOMEN DIAGNOSED WITH BREAST CANCER.

(a) Public Education Campaign. —

(1) In General. — The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall conduct a national evidence-based education campaign to increase awareness of young women's knowledge and screening:

(A) breast health in young women of all racial, ethnic, and cultural backgrounds;

(B) breast awareness and good breast health habits;

(C) the occurrence of breast cancer and the general and specific risk factors in women who may be at high risk for breast cancer based on familial, racial, ethnic, and cultural backgrounds such as Ashkenazi Jewish populations;

(D) evidence-based information that would encourage young women and their health care professional to increase early detection of breast cancers and the availability of health information and other resources for young women diagnosed with breast cancer on:

(i) fertility preservation;

(ii) support, including social, emotional, psychosocial, financial, lifestyle, and caregiver support;

(iii) familial risk factors;

(iv) prevention and early detection strategies to reduce recurrence or metastasis;

(2) Evidence-Based, Age Appropriate Messages. — The campaign shall provide evidence-based, age-appropriate messages and materials developed by the Centers for Disease Control and Prevention and Prevention and the Advisory Committee established under paragraph (4).

(b) Media Campaign. — In conducting the education campaign under paragraph (1), the Secretary shall award grants to entities to establish national multimedia campaigns oriented to young women that may include advertising through television, radio, print media, billboards, posters, all forms of existing and especially emerging social networking media, and any other medium determined appropriate by the Secretary.

(c) Advisory Committee. — The Secretary, acting through the Director of the Centers for Disease Control and Prevention and Prevention and Prevention and an advisory committee to assist in creating and conducting the education campaigns under paragraph (1) and subsection (b)(1), shall:

(D) surveys of health care providers and the public regarding knowledge, attitudes, and practices related to breast health and breast cancer prevention and control in high-risk populations; and

(2) the Director of the National Institutes of Health, shall conduct research to develop and disseminate new screening tests and methods for prevention and early detection of breast cancer in young women.

(d) Support for Young Women Diagnosed with Breast Cancer. —

(1) In General. — The Secretary shall award grants to organizations and institutions to provide health information from credible sources and substantive assistance directly to young women diagnosed with breast cancer and pre-neoplastic breast diseases on issues such as—

(A) education and counseling regarding fertility preservation;

(B) support, including social, emotional, psychosocial, financial, lifestyle, and caregiver support;

(C) familial risk factors; and

(D) prevention and early education strategies to reduce recurrence or metastasis.

"(A) of breast health, symptoms, and early diagnosis and treatment of breast cancer in young women, including specific risk factors such as family history of cancer and women who may be at high risk for breast cancer, such as Ashkenazi Jewish population;

(2) on how to provide counseling to young women about their breast health, including knowledge of their breast cancer risk, the importance of providing regular clinical breast examinations;

(C) concerning the importance of disease screening, healthy behavior, and increasing awareness of services and programs available to address overall health and wellness, and making patient referrals to address tobacco cessation, good nutrition, and physical activity;

(D) on when to refer patients to a health care provider with genetics expertise;

(E) on how to provide counseling that addresses social work and survivorship health concerns of young women diagnosed with breast cancer and;

(F) on how to provide referrals to organizations and institutions that provide credible health information and substantive assistance and support to young women diagnosed with breast cancer, including:

(i) re-entry into the workforce or school;

(ii) infertility as a result of treatment;

(iii) neuro-cognitive effects;

(iv) important effects of cardiac, vascular, muscular, and skeletal complications; and

(v) secondary malignancies.

(2) Materials. — The education campaign under paragraph (1) may include the distribution of print, video, and Web-based materials on assisting physicians and other health care professionals in achieving the goals of this section.

(c) Prevention Research Activities. —

The Secretary, acting through—

(1) the Director of the Centers for Disease Control and Prevention, shall conduct prevention research on breast cancer in younger women, including—

(A) behavioral, survivorship studies, and other research on the impact of breast cancer on young women; and

(B) formative research to assist with the development of educational messages and information for the public, targeted populations, and their health care providers about breast health, breast cancer, and healthy lifestyles;

(C) testing and evaluating existing and new social marketing strategies targeted at young women; and

(D) surveys of health care providers and the public regarding knowledge, attitudes, and practices related to breast health and breast cancer prevention and control in high-risk populations; and

(2) the Director of the National Institutes of Health, shall conduct research to develop and disseminate new screening tests and methods for prevention and early detection of breast cancer in young women.

(d) Support for Young Women Diagnosed with Breast Cancer. —

(1) In General. — The Secretary shall award grants to organizations and institutions to provide health information from credible sources and substantive assistance directly to young women diagnosed with breast cancer and pre-neoplastic breast diseases on issues such as—

(A) education and counseling regarding fertility preservation;

(B) support, including social, emotional, psychosocial, financial, lifestyle, and caregiver support;

(C) familial risk factors; and

(D) prevention and early education strategies to reduce recurrence or metastasis.
(2) PRIORITY.—In making grants under paragraph (1), the Secretary shall give priority to applicants that deal specifically with young women diagnosed with breast cancer and pre-neoplastic breast disease.

(e) NO DUPLICATION OF EFFORT.—In conducting an education campaign or other program under subsections (a), (b), (c), or (d), the Secretary shall avoid duplicating other existing Federal breast cancer education efforts.

(f) MEASUREMENT; REPORTING.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall—

(1) measure—

(A) young women’s awareness regarding breast health, including knowledge of family cancer history, specific risk factors and early warning signs, and young women’s proactive efforts at early detection;

(B) the number or percentage of young women utilizing information regarding lifestyle interventions that foster healthy behaviors such as tobacco cessation, nutrition, and physical activity;

(C) the number or percentage of young women receiving regular clinical breast exams; and

(D) the number or percentage of young women who perform breast self exams, and the frequency of such exams, before the implementation of this section;

(2) establish quantitative benchmarks to measure the impact of activities under this section;

(3) not less than every 3 years, measure the impact of such activities; and

(4) submit reports to the Congress on the results of such measurements.

(g) DEFINITIONS.—In this section—

(1) the term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, and the Trust Territory of the Pacific Islands; and

(2) the term ‘young women’ means women 15 to 44 years of age.

(h) AUTHORIZATION OF APPROPRIATIONS.—To carry out subsections (a), (b), (c), and (d), there are authorized to be appropriated $9,000,000 for each of the fiscal years 2010 through 2014.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on December 8, 2009, at 1:30 p.m. The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BAUCUS. 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 December 8, 2009, at 10 a.m. in room 406 of the Dirksen Senate Office Building. The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 8, 2009, at 2:15 p.m. The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on December 8, 2009, at 2:30 p.m. The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Energy be authorized to conduct in room SD-366 of the Dirksen Senate Office Building. The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, DECEMBER 9, 2009

Mr. SANDERS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, December 9; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 3590, the health care reform legislation; that following any remarks of the chair and ranking member of the Finance Committee, or their designees, for up to 10 minutes each, the next 2 hours be for debate only, with the time equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each; the Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes, with the remaining time equally divided and used in an alternating fashion; further, that no amendments are in order during this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SANDERS. Mr. President, roll-call votes are possible throughout the day tomorrow. Senators will be notified when any votes are scheduled.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SANDERS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:38 p.m., adjourned until Wednesday, December 9, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF TRANSPORTATION

MICHAEL PETER HUERTA, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION, VICE ROBERT A. STUBBECK, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 6202:

To be brigadier general

COL. KORY G. CORN Num

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. STEVEN W. SMITH
RECOGNIZING THE CONTRIBUTIONS OF BARBARA DEE BRADFORD

HON. MICHAEL C. BURGESS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 8, 2009

Mr. BURGESS. Madam Speaker, I rise today in recognition of Barbara Dee Bradford. After 21 years, Barbie, as she is warmly known by friends and coworkers, is retiring from her post as Director of the Learning Center at the University of North Texas in Denton, Texas.

Barbie began her career at UNT in 1988 as a counselor in the Counseling and Testing Center, and has spent her entire career at UNT dedicated to student success and learning. In 1998 she created the Learning Center and has served as its only Director. Under her leadership, the Center has grown from an office with only one full-time employee and a handful of student workers to one that has seven full-time staff, several graduate assistants, and hundreds of student workers.

Barbie implemented Supplemental Instruc tion at UNT, a program where students who have recently completed a course return in future semesters and serve as study session tutors for those in the class. This successful program has helped improve the grades of thousands of students at UNT. Today, the Volunteer Tutor Program thrives, and hundreds of students volunteer their time to assist other students.

Barbie has devoted time, even on weekend, to assist parents with their child’s transition to UNT. For ten years, she has delivered a presentation to parents at each summer orientation session. Barbie uses personal examples to help parents feel at ease. Over the years, she has received numerous phone calls from parents and had students show up on her door. In all those situations, Barbie has welcomed the opportunity to be of assistance to the student and the family.

Barbie has mentored hundreds of students, graduate students and staff members. Whether the students worked in her office or appeared at her door, she always has taken time to provide guidance and lend an ear. All who have worked for Barbie hold her in the highest regard.

Barbie is a walking example of a lifelong learner and exemplifies that to all with whom she comes in contact, which has allowed her to positively influence the lives of thousands of students over her 21 years at UNT. As a proud alumnus, I appreciate her dedication in support of their academic success as they build the foundations for their future.

Madam Speaker, it is with great honor that I rise today and recognize Barbie Bradford for her years of dedication and selfless service to the University of North Texas. I am proud to represent her and UNT in the United States Congress.

HONORING FRED MACHADO

HON. GEORGE RADANOVICH
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 8, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Fred Machado upon being named the “2009 Agriculturist of the Year” by the Greater Fresno Area Chamber of Commerce. Mr. Machado will be recognized at the annual Agricultural Awards luncheon on November 18, 2009, in Fresno, California.

In 1932, Mr. Fred Machado was born in the Azores region of Portugal. At the age of sixteen, he migrated to the United States with his family. When he arrived in the U.S., he began working as a farm laborer doing jobs that included milking cows for two hundred and fifty dollars a month. He enjoyed the work and took to the dairy industry quickly, but decided to join the United States Navy. In 1955, after leaving the Navy, he saved enough money to purchase a dairy farm in Easton, just west of Fresno, California. During the 1950’s, Mr. Machado established a dairy with fifty cows, the company grew, quickly reaching fifteen hundred heifers.

Over the years, Mr. Machado’s land increased from twenty-acres to an eight hundred-acre farming operation that produces almonds, grapes, orchards and feed crops. Until this year the farm also included the dairy, however, with unprecedented low prices for milk, the Machado family decided to retire from the dairy business.

Mr. Machado is a very active member of the community. He has served on the boards of the National Milk Producers Federation, Challenge Dairy, Danish Creamery and numerous community organizations. Mr. Machado has been active with the Fresno County Farm Bureau for over fifty years, serving in multiple leadership positions including serving as the Eastern Center Co-Chairman, and as president from 1972–1974.

Madam Speaker, I rise today to commend and congratulate Frank Machado upon being named the “2009 Agriculturist of the Year.” I invite my colleagues to join me in wishing Mr. Machado many years of continued success.

IN RECOGNITION OF THE 98TH BIRTHDAY OF RUBY HARTLEY BARTON

HON. MIKE ROGERS
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 8, 2009

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House’s attention today to pay recognition to the special life of Ruby Hartley Barton of Talladega, Alabama.

Mrs. Barton was born on December 15, 1911 in Georgia to James and Victoria Hart ley. Mrs. Barton’s father died while she was a baby, and her mother raised her and her six brothers and sisters. Mrs. Barton grew up in a farming and textile family.

She was married to the late B.W. Barton for over 50 years and was blessed with two sons, Charles D. Barton and Larry H. Barton and one daughter, Edith Barton Bishop. Mrs. Barton now has three grandchildren, three great-grandchildren and one great-great-grandchild.

Mrs. Barton worked at Bemis Mills for close to 40 years and has spent her life serving God.
and volunteering in her church as a Sunday School teacher, choir director and pianist.

On December 15th, her friends and family will celebrate her birthday in her room at Talladega Health Care in Talladega. Today I would like to wish Mrs. Ruby Hartley Barton a very Happy 98th Birthday.

**PROMOTING JOBS FOR VETERANS ACT OF 2009**

**HON. STEVE BUYER**
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. BUYER. Madam Speaker, I rise today to introduce the Promoting Jobs for Veterans Act of 2009.

Last week the U.S. Bureau of Labor Statistics reported that during the month of November there were over one million unemployed veterans in the country. The report also showed that the unemployment rate among our newest cohort of veterans ages 18-24 remains extremely high at 20 percent. Moreover, 700,000 of that million are between the ages of 35 and 64, the years of both the highest earning power and the highest financial needs to pay mortgages and tuitions. I ask unanimous consent that the relevant page from the December Bureau of Labor Statistics Report be included in the Record with my remarks.

These numbers paint a very disturbing picture of the obstacles veterans face. These men and women have put their lives on the line in the defense of freedom and democracy around the globe, so we must do a better job of helping these warriors find suitable employment opportunities when they return home.

That is why I have introduced the Promoting Jobs for Veterans Act of 2009. The first title of this bill focuses on providing funding and incentives for employers to pursue training and education that would provide employment opportunities for them in the new economy. It would create a new troops to teachers program to pay new teachers who are veterans and are teaching in a rural area $500 a month stipend. It would also provide a zip code based housing stipend for unemployed veterans who are participating in a VA approved OJT/Apprenticeship Program.

The second title of the bill focuses on promoting and expanding veteran owned and service disabled veteran owned small businesses. It would reauthorize the VA Veteran Owned Small Business Loan Guaranty Program which would guarantee loans for veteran owned small businesses up to $500,000. It would also allow VA to enter into sole source contracts with veteran owned small businesses in the same way they can with 8(a) firms.

According to the U.S. Small Business Administration, firms with fewer than 500 employees accounted for 64 percent—or 14.5 million—of the 22.5 million net new jobs between 1993 and the third quarter of 2008. I firmly believe that veteran owned small businesses could become a driving force in this nation's recovery and this bill will help make that a reality.

Madam Speaker, I urge my colleagues to co-sponsor this needed legislation.

**HON. GEORGE RADANOVICH**
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Errotabere Ranch upon being the recipient of the 2009 Baker, Peterson and Franklin Ag Business Award by the Greater Fresno Area Chamber of Commerce. Mr. Dan Errotabere of Errotabere Ranch will be recognized at the annual Agricultural Awards luncheon on November 18, 2009 in Fresno, California.

Errotabere Ranch is a family operated farm in Riverdale, California and was first established in the 1920's by Mr. Jean Errotabere. By 1979, when Mr. Errotabere passed away, the farm had expanded to include 800 acres of cotton. Today, brothers Dan, Jean Jr., and Remi operate a six thousand-acre diversified farming operation which includes pima cotton, almonds, pistachios, tomatoes, garlic, onions, alfalfa seed, wheat, lettuce and cantaloupes on the Riverdale and the Five Points areas. Each brother is responsible for a specific facet of the business including the finances, crop production and farm equipment. Over the years the family has applied progressive water techniques and technology to better utilize the scarce water resources on the ranch.

The Errotabere family has a long history of community involvement. They have held many leadership roles in the agricultural industry and community organizations. Dan has been an advocate for agricultural water issues, serving on several water-related boards. Dan is also heavily involved with the Fresno County Farm Bureau, currently serving as president. All three brothers are actively involved with Riverdale schools and the Jordan College of Agricultural Sciences and Technology at California State University, Fresno. The family supports Community Medical Centers, Children's Hospital Central California and has been active in the local United Cerebral Palsy Association.

Madam Speaker, I rise today to commend and congratulate Errotabere Ranch upon being honored as the 2009 Baker, Peterson and Franklin Ag Business Award. I invite my colleagues to join me in wishing Errotabere Ranch many years of continued success.

**INTRODUCTION OF THE “NO SOCIAL SECURITY BENEFITS FOR PRISONERS ACT OF 2000”**

**HON. JOHN S. TANNER**
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. TANNER. Madam Speaker, today I introduce legislation that will treat retroactive Social Security Supplemental Security Income payments due to prisoners consistent with the way ongoing monthly payments are treated.

The “No Social Security Benefits for Prisoners Act of 2009” would prevent retroactive Social Security and Supplemental Security Income benefits from being issued to individuals while they are in prison, along with beneficiaries in violation of conditions of parole or probation, or who are fleeing to avoid prospective sentence for a felony or a crime punishable by sentence of more than one year.

The Social Security Act already bars payment of current monthly benefits to such individuals. This bill ensures this prohibition applies to retroactive benefit payments as well, and allows payments to the beneficiary is no longer prohibited from receiving payments under the provisions of this bill.

I urge my colleagues to support the bill.

**RECOGNIZING AND CONGRATULATING ST. PETER LUTHERAN CHURCH IN ROANOKE, TEXAS**

**HON. MICHAEL C. BURGESS**
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. BURGESS. Madam Speaker, I stand today to recognize and congratulate St. Peter Lutheran Church in Roanoke, Texas, as they celebrate the groundbreaking for their first facility.

St. Peter Lutheran Church was founded in September of 2006, when a small group of 37 families from Roanoke and surrounding cities in North Texas decided to plant a new church in their rapidly growing community. The congregation met under the guidance of Pastor Robert Baldic in a school gym, and later in the Roanoke Recreation Center.

The church's small beginnings did not stop them from reaching out to the community. Members of St. Peter Lutheran Church actively contribute to their community in many ways, such as participating in Habitat for Humanity, providing free games and activities for local children at city events, holding food and supply drives for local food pantries, among countless other acts of generosity. The church even has its own barbequing team—the Holy Smokers—who use their grilling and smoking talents to serve others.

The church now encompasses over 100 families, and is still growing. Their rapidly increasing size has led them to purchase 11 acres of land in Roanoke, where they will break ground on Sunday, December 6, 2009, and build their first multi-use church facility.

Future plans also include a Kindergarten, Concordia Academy, which will one day serve and educate children throughout North Texas.

Madam Speaker, St. Peter Lutheran Church is a shining light in Roanoke, Texas. I am extremely proud to represent Pastor Baldic and the entire church congregation in the 26th Congressional District. Their service to the community is valued and appreciated, and I look forward to watching the church grow, and observing the positive impact they will continue to have in North Texas.

**A PROCLAMATION HONORING THE 20TH ANNIVERSARY OF THE TUSCO COMPOSITE SQUADRON OF THE CIVIL AIR PATROL, UNITED STATES AIR FORCE AUXILIARY**

**HON. ZACHARY T. SPACE**
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. SPACE. Madam Speaker:
NORTHWEST STRAITS MARINE CONSERVATION INITIATIVE ACT (H.R. 1672)

SPREECH OF
HON. RICK LARSEN
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Monday, December 7, 2009

Mr. LARSEN of Washington. Mr. Speaker, I rise today to express my support for the Northwest Straits Marine Conservation Initiative Reauthorization Act, H.R. 1672. Throughout the 1980s and early 1990s the marine waters of the Strait of Juan de Fuca, the San Juan Islands and northern Puget Sound, collectively known as the Northwest Straits, experienced substantial environmental decline. This was concerning because local communities rely on the resources of the Northwest Straits to create good-paying jobs and many iconic and endangered species, including orca whales and Pacific salmon, rely on the Northwest Straits for food and habitat. In 1997, Senator Patty Murray and Congressman Jack Metcalf convened a blue-ribbon commission to examine ways to reverse this trend and restore the health of the Northwest Straits. In 1998, Congress adopted the Murray-Metcalf Commission’s recommendations when it authorized the creation of the Northwest Straits Marine Conservation Commission, a grassroots organization which does not exercise regulatory authority but harness the energy of local communities to develop and implement conservation and restoration projects. For the last 11 years, the Northwest Straits Commission has done great work to restore the Northwest Straits. Their projects have helped create jobs and protect endangered and threatened species. The Northwest Straits Commission has demonstrated the capacity to implement challenging recovery projects. The Commission used $4.5 million of funding from the American Recovery and Reinvestment Act to remove hundreds of acres of abandoned fishing gear from the seafloor. This project created jobs for out-of-work fishermen and saved the lives of endangered species. The legislation under consideration on the House floor today would extend the legislative authorization of the Northwest Straits Commission for an additional five years. It will increase tribal participation in the Commission and improve oversight of its activities. H.R. 1672 has earned the support of our local community—I have received letters of support for this legislation from elected officials, businesspeople and environmentalists in every county in the Northwest Straits Commission operates. Similar legislation has been introduced in the United States Senate by my friend Senator Patty Murray. I hope that our joint effort will help to protect and restore the Northwest straits for the people, fish, and threatened wildlife which rely on it.

CELEBRATING THE 20TH ANNIVERSARY OF THE FALL OF THE BERLIN WALL

HON. TED POE
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 8, 2009

Mr. POE of Texas. Madam Speaker, it was 20 years ago November 9, 1989, that the most notorious symbol of the Cold War, The Iron Curtain, came crashing down. When the Berlin Wall was opened for "private trips abroad," thousands lined up at check points demanding passage. In the following days and weeks, hundreds celebrated by physically tearing down the concrete division so completely that very little of the actual wall remains. The Berlin Wall was erected by the German Democratic Republic in 1961 separating Eastern and Western Germany to stop migration of East Germans trying to escape communism. The wall had many deterrents for those looking for escape. Its total border length around West Berlin was ninety-six miles with forty-one miles of wire mesh fencing, sixty-five miles of anti-vehicle trenches, and seventy-nine miles of contact or signal fence. It has been reported that between 136 and 192 people were killed on the Berlin Wall and about 200 persons injured by shooting while attempting to escape between 1961 and 1989. November 9, 2009, two decades later, thousands lined up at check points demanding passage. In the following days and weeks, hundreds celebrated by physically tearing down the concrete division so completely that very little of the actual wall remains. In 1998, Congress adopted the Murray-Metcalf Commission’s recommendations when it authorized the creation of the Northwest Straits Marine Conservation Commission, a grassroots organization which does not exercise regulatory authority but harnesses the energy of local communities to develop and implement conservation and restoration projects. The Northwest Straits Commission has done great work to restore the Northwest Straits. Their projects have helped create jobs and protect endangered and threatened species. The Northwest Straits Commission has demonstrated the capacity to implement challenging recovery projects. The Commission used $4.5 million of funding from the American Recovery and Reinvestment Act to remove hundreds of acres of abandoned fishing gear from the seafloor. This project created jobs for out-of-work fishermen and saved the lives of endangered species. The legislation under consideration on the House floor today would extend the legislative authorization of the Northwest Straits Commission for an additional five years. It will increase tribal participation in the Commission and improve oversight of its activities. H.R. 1672 has earned the support of our local community—I have received letters of support for this legislation from elected officials, businesspeople and environmentalists in every county in the Northwest Straits Commission operates. Similar legislation has been introduced in the United States Senate by my friend Senator Patty Murray. I hope that our joint effort will help to protect and restore the Northwest straits for the people, fish, and threatened wildlife which rely on it.

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HONORING MARIA GROVNER
HON. JACK KINGSTON
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 8, 2009

Mr. KINGSTON of Georgia. Madam Speaker, I rise today in order to recognize Georgia’s Middle School Counselor of the Year, Maria Grovner. A native of McIntosh County, Ms. Grovner is the middle school counselor at Creekland Middle School in Gwinnett County. Before receiving the honor of being named Middle School Counselor of the Year, Ms. Grovner was recognized as Gwinnett County’s Counselor of the Year and as the Region II Middle School Counselor of the Year. As a result of Ms. Grovner’s hard work and numerous undertakings, it is no surprise that she has received these accolades. In addition to implementing numerous student activities and promoting diversity and early college awareness at the middle school level, Ms. Grovner coordinates a Leadership Conference for approximately 600 middle school peer leaders. Additionally, the Georgia School Counselors Association is fortunate to have Ms. Grovner serving as the Mentoring Program Co-Chair and as the Middle School Worksetting Vice-President. As Worksetting Vice-President, Ms. Grovner assists other middle school counselors throughout the state in implementing the best practices in their counseling programs. Ms. Grovner’s dedication to her profession and the students she serves is admirable and exemplary. Madam Speaker, I am proud to honor Maria Grovner as the State of Georgia’s Middle School Counselor of the Year.

VILLAGE OF ARGYLE IN MISSOURI

HON. BLAINE LUETKEMEYER
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 8, 2009

Mr. LUETKEMEYER of Missouri. Madam Speaker, I rise today to recognize the Village of Argyle,
located in Maries and Osage counties, in Missouri.

I would like to acknowledge the Village of Argyle as its residents prepare to celebrate the milestone of their centennial this upcoming June.

In the beginning of the 20th century, a group of Scottish-Irish surveyors made their way to the Midwest and were preparing to build a rail bed for the St. Louis, Kansas City and Colorado railroad to run between Kansas City and St. Louis. This spurred the formation of a town.

The area, once known as Sanbonfass, after St. Boniface, was named Argyle after a shire of a town.

City and St. Louis. This spurred the formation and Colorado railroad to run between Kansas and Mexico. To promote trade and tourism of the South Texas region into Mexico.

Through Mr. Summer’s work in Texas, the nation and Mexico, he was able to improve the lives of many, finding jobs and pushing for economic opportunities. He was instrumental in the creation of the Rio Grande Valley Mobility Task Force, which brought additional transportation funding to South Texas and pushed for the creation of an interstate highway.

Recently, he was honored when Farm-to-Table Market Road 1015 between U.S. Highway 83 and the Progreso International Bridge was named the Bill Summers International Boulevard.

Although we have lost a great hero whom we all deeply cared for and loved, I am certain his love and passion for the Rio Grande Valley will remain in our hearts and spirits for years and years to come. We will always remember Mr. Summers as a wise man who worked for the good. We will remember Mr. Summers as a man who could do it all.

Today, I ask that my colleagues join me in commemorating the life of Mr. Bill Summers, who served this nation with dignity, honor, respect and admiration.

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. PAULSEN. Madam Speaker, recently I met with representatives of Dakota Communities—an award-winning 37 year old non-profit organization that helps people with disabilities realize their potential in their lives and communities.

In Minnesota’s Third Congressional District, there are over fifty direct support professionals who have dedicated their careers to working for several group homes. These hard-working, talented men and women have repeatedly demonstrated their dedication to caring for those with disabilities. For their efforts and the positive impact these efforts will have in the lives of so many, I am extremely grateful.

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Ms. LINDA T. SÁNCHEZ of California.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I rise today to introduce the Clean Air and Water Investment Act of 2009. This legislation will restore tax exempt bonding for air and water pollution control facilities.

Prior to the 1986 revision to the tax code, state authorized agencies and political subdivisions were permitted to administer tax exempt bonds to finance “air and water pollution control facilities.” The program proved so effective that even facilities that were grandfathered, and not subject to clean air standards, were proactive participants, providing cleaner air and water for our communities.

As we continue to look for ways to assist businesses and local governments in their efforts to reduce pollution, these bonds provide an affordable solution that will put people to work while providing cleaner and healthier communities. This bill would restore a proven incentive for industry to invest in cleaner air and water. Importantly, because it falls under a pre-existing spending cap, this legislation will present no new liability to the U.S. Treasury.

Members on opposite sides of the aisle frequently may differ on many issues before this body, but I am pleased to be working on this bill with Congressman KEVIN BRADY of Texas, a fellow Congressional baseball aficionado. Congressman Brady has been working on this issue for many years now, and I look forward to collaborating with him and seeing this bill signed into law. I urge my colleagues to consider support this important legislation.

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Ms. GINNY BROWN-WAITE of Florida.

Madam Speaker, I rise today to honor William S. Dalton, Ph.D., M.D. for his commitment to the fight against cancer and his participation at the Tony Snow Cancer Symposium in The Villages, Florida, on January 21. Hosted by the Caring and Sharing Villagers and the Alliance Healthcare Foundation, the Tony Snow Cancer Symposium is intended to raise funds for the creation of a $25 million Cancer Center next to Leesburg Regional Hospital and promote awareness in our community.

Dr. Dalton currently serves as the President/Chief Executive Officer and Center Director at the H. Lee Moffitt Cancer Center & Research Institute in Tampa, Florida. The Moffitt Cancer Center is regarded as one of the top cancer facilities in the United States. With two decades of cancer research and contributions to over 200 publications, including the Journal of the American Medical Association and the Journal of the National Cancer Institute, Dr. Dalton has established himself as an expert in the fight against cancer.

Recognized as a “Best Doctor in America” since 1993, Dr. Dalton’s primary areas of research include biochemical mechanisms of drug resistance, new drug discovery and the biology and treatment of multiple myeloma. He was also instrumental in obtaining the Molecular Oncology, Mopp, grant of $5 million for the Moffitt Cancer Center in 2000.

Madam Speaker, individuals such as William S. Dalton should be recognized for their sincere dedication to improving the health and quality of life for people all over the world. With the passing of my husband Harvey to pancreatic cancer, I can personally attest to the affects of cancer on both a person and their family. I sincerely appreciate the work that Dr. Dalton has done and wish him further success in his medical endeavors.

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. ROGERS of Alabama.

Madam Speaker, I would like to request the House’s attention today to pay recognition to the Piedmont High School football team in Piedmont, Alabama, who won the 2009 Alabama 3A State Football Championship.

On December 3, the Piedmont Bulldogs defeated Cordova High School by a score of 35–28 at Bryant-Denny Stadium in Tuscaloosa,
Alabama. The Bulldogs finished the season with a record of 13–2.

Piedmont High School is located in northern Calhoun County, and their Bulldogs are coached by Steve Smith. The principal is Jerry Snow.

Congratulations to the Piedmont County High School Bulldogs football team, coaches, staff, and high school. All of us across Calhoun County and east Alabama are proud of these young people for their outstanding achievement.

HONO RING ROBERT FOX, MAJOR (RET.)

HON. GEORGE RADANOVICH
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 8, 2009

Mr. RADANOVICH. Madam Speaker, I rise today, along with my colleague Jim COSTA, to commend and congratulate Robert Fox upon being honored the “Citizen Soldier Award” by Fresno City College. Major Fox was recognized on Friday, November 6, 2009 at the annual Veterans Peace Memorial event held at Fresno City College in Fresno, California.

Major Fox served in the Indiana National Guard in 1962, and became the first African American to be commissioned as a Second Lieutenant by the Officer Candidate School in the Indiana Military Academy. He served with National Guard units in Indiana and Iowa prior to fulfilling his service obligations. In 1980 Major Fox received a direct commission as a Captain (03) and was assigned to the 49th Military Police Brigade of the California Army National Guard.

Shortly after Major Fox assumed the Dean’s position at Fresno City College, he was transferred to the 195th Transportation Battalion in Fresno, where he served as a staff officer. He was later selected to command the 2668th Transportation Company. During his tenure as Commander, the 2668th was selected on short notice to participate in Operation Team Spirit in the Republic of Korea. The unit was required to prepare assigned equipment, personnel and supplies to sustain the unit for forty days under combat conditions. The unit exceeded all time requirements in its preparation and performed in a meritorious manner during the exercise.

After assignment to the 115th Support Group in Roseville, California, Major Fox returned to the 185th Transportation Battalion with the rank of Major (04) as Battalion S-2/3 with the responsibility of training and operating the unit. In 1994 Major Fox retired from the California National Guard after serving as Battalion Executive Director.

Major Fox’s commitment to the welfare, professional development and career advancement of the non-commissioned officers and junior commissioned officers under his leadership were hallmarks of his service. His military education includes the completion of the Adjunct General Corps, Military Police Corps and Transportation Corps Basic Officer Courses; the Military Police Corps and Transportation Corps Advanced Officer Courses and attendance at the Command and General Staff College. For his service, Major Fox has been awarded the Army Commendation Medal with Cluster and the Army Achievement Medal.

Madam Speaker, Mr. COSTA and I rise today to commend and congratulate Major Robert Fox upon being recognized as a “Citizen Soldier.” I invite my colleagues to join us in wishing Major Fox many years of continued success.

CONGRATULATIONS TO THE SAILORS WHO HAVE COMPLETED 1,000 DETE RREN CIAL PATROLS ON “OHIO” CLASS SUBMARINES

HON. JACK KINGSTON
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 8, 2009

Mr. KINGSTON. Madam Speaker, I rise to support H. Con. Res. 129. To congratulate the accomplishment of Submarine Sailors completing 1,000 Ohio-class deterrent patrols. The people of coastal Georgia have great pride in their Submarine Sailors. It started back in July 1978 when Kings Bay, Georgia was chosen to be home for the Trident missile submarines of the Atlantic Fleet. In November 1981 the USS Ohio was commissioned and became the first submarine to carry Trident Missiles. Ohio made her first patrol 27 years ago this month and in December 1982. Over 20 years ago in January 1989 the USS Tennessee became the first Ohio-class submarine to be stationed in Kings Bay. In Spring 2008 USS Georgia returned to Kings Bay to start a new type of mission as an SSGN.

Ohio-class submarines are modern marvels as the sea-based leg of the strategic deterrence triad. SSBNs (or Boomers) have a wide range of capabilities and when directed by the President can rapidly target their missiles. Each Boomer can carry 24 Trident missiles with up to 8 warheads per missile. These missiles have a range of over 7,000 miles and can reach their target within 30 minutes. The warhead is accurate enough to hit the area the size of a baseball diamond with the destructive force of 475 kilotons of TNT. As impressive as these ships are, they are operated by the even more impressive Sailors of the submarine force. Our Sailors have faithfully safeguarded the Boomers without incident for 50 years. Our submarine Sailors have set the gold standard for nuclear safety in the world.

These Sailors are screened for physical, mental and psychological fitness to serve on submarines. They spend up to two years in school to know how to work on a submarine including cooking, plumbing, electrical repair, underwater maintenance, operating a nuclear powered propulsion plant and maintaining 100% reliability of the strategic missile system all of the time. Most of the crew is between 20 to 25 years old but some already have college degrees and all are volunteers. Within one year of first stepping onboard a submarine these Sailors earn their “Dolphins,” a pin that signifies they are fully knowledgeable of the submarine’s many technical systems and fully reliable during any casualty to be able to save the ship and their shipmates. They join the proud history and tradition of the submarine force with World War II submarine heroes like Mushie Horton, Dick O’Kane and Admiral Eugene Fluckey. Because of the sacrifice and hard work of these Trident Sailors they have kept the 18 Ohio-class submarines in outstanding condition. These ships will last close to ten years longer than their design life despite operating in the harsh conditions of the oceans.

For over 1,000 patrols the Sailors serving on Ohio-class submarines have moved on and off the ship during crew turnover. They bring their sea bag full of gear, photos of family and friends, some snacks, and nowadays their favorite DVDs and i-Phones. During a two-month patrol they make the boat their home. Maybe once a week they get an email from home called Sailor Mail. They routinely do not actually talk to their wives, kids, family or friends for many weeks. This is a unique sacrifice especially during this age of global telecommunication.

During those 1,000 patrols while these Sailors were at sea, the rest of us could go to work everyday, worship on Sunday, take our kids to baseball practice after school, shop at the grocery store and fish in our lakes and streams without fear because these Sailors stood the watch and defended our homes. For this we are thankful every day.

I rise today to congratulate our nation’s Submarine Sailors who completed 1,000 patrols on Ohio-class submarines on this day December 2, 2009.

CONGRATULATING THE CHAZY CENTRAL RURAL SCHOOL BOYS SOCCER TEAM

HON. WILLIAM L. OWENS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 8, 2009

Mr. OWENS. Madam Speaker, I rise today to congratulate Chazy Central’s boys’ soccer team for their victory in the 2009 New York state soccer championship.

On Sunday the 22nd of November, high school soccer fans were treated to a great soccer match between some of the most skilled players in the state. The Chazy boys entered the state championship ranked as the number one team in their class and they carried that honor to the state championship, defeating Northville Central School in the final match.

I also want to extend my congratulations to Coach Rob McAuliffe, who built upon an impressive legacy to take our team to victory. I understand that since 1953, the Chazy boys’ soccer team has had only four regular seasons without a winning record, and the elite status of these athletic young men could not have been reached without the 14 years of dedication from Coach McAuliffe.

I want to congratulate the boys’ team of Kyle McCarthy, Brandon Laurin, Kaleb Snide, Tyler Builress, Shea Howley, Jordan Berriere, Andrew Rabideau, Nathan Reynolds, Andrew Duprey, Marc Oshier, Nolan Rogers, Dyllan Hack, Ian Anderson, Michael Santor, Matt Gravelle, and Austin Santor for all they have accomplished. Their teamwork set a strong example for the community and reminds us all what is possible when we come together.

Once again, congratulations to Coach McAuliffe for his continuing efforts and to the Chazy Eagles on their success.
COMMENDING THE SOLDIERS AND CIVILIAN PERSONNEL STATIONED AT FORT GORDON

SPEECH OF

HON. PHIL GINGREY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 2009

Mr. GINGREY of Georgia. Mr. Speaker, I rise today as a cosponsor of H. Con. Res. 206, a resolution commending the soldiers and civilian personnel stationed at Fort Gordon and their families for their service and dedication. The United States Army recognized the contributions of Fort Gordon to Operation Iraqi Freedom and Operation Enduring Freedom and its role as a pivotal communications training installation.

Fort Gordon dates to 1940, when the United States Army recognized a need for a military installation near Augusta, Georgia that could aid in combat during the ensuing Second World War. The groundbreaking actually took place in 1941, and the base was originally named Camp Gordon after John B. Gordon, a general during the Civil War and former Governor of Georgia. During World War II, Camp Gordon was home to the 4th Infantry Division, 26th Infantry Division, and 10th Armored Division of the Army until they were deployed to Europe. However, in 1948, Camp Gordon became the home of the Signal Corps Training Center—for which it is most commonly known today.

Throughout the Korean war the need for signalmen grew, and the Signal Corps Training Center became the largest single source for Army communications specialists. Camp Gordon was also made a permanent installation in 1956 and was renamed Fort Gordon. Further, during the Vietnam war era and after, communications specialists became an absolutely necessary part of highly technological and modernized warfare, and Fort Gordon was recognized as an exemplary institution for these soldiers as the Signal Corps Training Center came to be known as the United States Army Signal Center at Fort Gordon.

Fort Gordon and the troops and families stationed there were instrumental in Operations Desert Shield and Desert Storm, and during the 1990s the installation was responsible for training most of the DoD personnel who operate and maintain satellites, as well as training signal troops of allied and former nations. Currently, approximately 19,000 soldiers are stationed at Fort Gordon, and Augusta has been a welcome home to all of them. To this day, the base continues its tradition of success in the Signal Corps, as it trains soldiers for deployment into theater in Iraq and Afghanistan. On behalf of Georgia’s 11th Congressional District, I am proud of the continued dedication to the safety and security of the United States of the men and women at Fort Gordon and thank them for their nearly 60 years of service to this Nation. Georgia has been blessed with an abundance of willing men and women who are committed to ensuring freedom and liberty for America, and I thank each of them for their service.

I believe that the brave men and women at Fort Gordon and every military installation who sacrifice for our present freedoms deserve our fullest support. Our Nation’s service men and women represent the best our country has to offer, and they must be treated with the respect and honor they deserve. As we ask these courageous soldiers, sailors, airmen, and marines—and their families—to do more and more, it’s only right we continue doing all we can for them. Commending the accomplishments and service of our troops at Fort Gordon is just one small example of the gratitude that every American should express to our troops at home and abroad.

With that, Mr. Speaker, I ask all of my colleagues to support this resolution.
Mrs. Edith Armstead Gray. Mrs. Gray passed away December 1 at the age of 99. Mrs. Gray was a lady of style, grace, and compassion. But, most of all, most of Mrs. Gray earned the highest honor that could be bestowed upon any of us: "Servant.

Mrs. Gray was born in Galveston, Texas, in 1910 to Henry and Millie Armstead. She enrolled at Tuskegee Institute, now University, as a student majoring in home economics. She accepted her first and only teaching job in Conecuh County, Alabama, and returned to summer school to earn her B.S. degree from Tuskegee in 1940.

During her extraordinary teaching career, she became a great role model for thousands of young men and women who entered her classroom. But, her commitment and dedication to humankind did not limit itself to the classroom.

Shirley Chisholm once said that "Service is the rent that we pay for the space that we occupy here on this earth." Mrs. Gray paid her rent and she paid it well. She gave dedicated service to many community organizations to include: the Conecuh County branch of the NAACP; the Evergreen Housing Authority board of directors; the Neoteric Club, now associated with Neoteric Clubs of Alabama; the Mt. Zion A.M.E. Zion Church; the County Retired Teachers Association; and a lifetime membership on the advisory board at Reid Technical College. Because of her dedicated service to Reid Technical College, the library and technology center now proudly bears her name.

Mrs. Gray was a trailblazer. She was a founding member of the Conecuh County branch of the NAACP and the Neoteric Club. She worked tirelessly to make sure that citizens in her community exercised their power of the ballot.

Mrs. Gray married Philander A. Gray in 1936. From that union came three accomplished children: Phyllis Hallmon, my chief of staff, Frederick Gray, and Jerome Gray. Upon the death of her husband in 1953, as a single parent, she reared her three children and passed on to each of them a love for people and public service. All of them have had distinguished careers and are making their mark on the world because of their mother’s strong influence. Frederick has served for many years as a United Methodist pastor. His charge has been to bring souls to Jesus Christ for His service. Jerome has served as the State Field Director for the Alabama Democratic Conference. Like his dear mother, he has devoted his life and work to the expansion of political and civic opportunities for African-Americans. He has been involved in many capacities at the local and state levels in the fight for social opportunities and equality. He currently serves as a Deputy Commissioner of Agriculture for the State of Alabama. Phyllis has also had a distinguished career, serving as a public school teacher, government lawyer, legislative director to a United States Senator, and chief of staff to two Members of the United States House of Representatives. In the same vein as her mother, she has distinguished herself as a woman of hard work and compassion. The legacy of Mrs. Gray will live on through each of them and their progeny.

Her legacy of good will is something that we all should be proud of. Our country and our world are better because Edith Armstead Gray passed this way. She will be sorely missed. I know that after 99 years of dedicated earthly service, she has now claimed her crown of righteousness.

I extend my deepest sympathies to the Gray family and thank them for sharing this special woman with the world for so many years.

TRIBUTE TO SENATOR PAULA HAWKINS

HON. JOHN L. MICA
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 8, 2009

Mr. MICA. Madam Speaker, it is with sadness that I report to the House of Representatives the passing of former United States Senator Paula Hawkins. Florida’s former State Public Service Commissioner and U.S. Senator died Friday, December 4 in Orlando, Florida. With Paula Hawkins’ passing, we have lost a remarkable public servant and trailblazer for women and all Americans in the state and national political landscape.

A resident of Winter Park, Florida, who began her public career in nearby Maitland, Florida, was born Paula Fickes in Salt Lake City, Utah, on January 24, 1927. She received her education from the public school systems in Salt Lake City and Berkeley, Utah, as well as Atlanta, Georgia, attending Utah State University from 1944–1947.

In 1972, she became the first woman in Florida elected statewide with her winning a seat on the Public Service Commission. With her election, Florida’s State Utility Commission, she gained the name as the battling “Maitland Housewife.” In 1980, she became the first woman elected to the United States Senate without being proceeded in office by a husband or family member.

In the United States Senate, she authored the Missing Children’s Act in 1982. During her 6-year term, she championed children’s and women’s issues and created a public dialogue on the subject of missing, exploited and abused children. “Senator Paula Hawkins was tireless, tenacious and an incredible champion for America’s orphans,” said Ernie Allen, President of the National Center for Missing & Exploited Children. “We will cherish her memory and miss her very much.”

Senator Hawkins was also responsible for the passage of Radio Marti legislation and a number of measures assisting women in the workforce. She Chaired the Investigation and Oversight Subcommittee of the Senate Labor and Human Resources Committee. In addition, the Senator served as Chair of the Senate Subcommittee on Children, Family, Youth and4 Women. She also served on the Board of Directors of the U.S. Senate Child Care Center.

Mrs. Hawkins was instrumental in building the Republican Party, both at the state and national level. She began her GOP work at the local level, served as National Republican Committee and was Florida’s Republican Co-chair of the 1984 Republican Convention Platform Committee. Senator Hawkins was also state co-chair in Florida for several successful Republican Presidential campaigns.

Senator Hawkins received numerous awards and was honored by selection to Florida’s Outstanding Women’s Hall of Fame.

Prior to election to the U.S. Senate she served as a vice president of Air Florida 1979–1980; director, Rural Telephone Bank board 1972–1978; member President’s Commission on White House fellowships 1975; served on Federal Energy Administration Consumer Affairs/Special Impact Advisory Committee 1974–1976; and served for 7 years as a representative for the United States on the Organization of American States Inter-American Drug Abuse Commission.

Senator Hawkins is survived by her husband Gene Hawkins of Winter Park, Florida and three children, Genean McKinnon of Winter Park and Montreal, Kevin Hawkins of Denver, Colorado and Kelly McCoy of Orlando, Florida, as well as 11 grandchildren and 10 great-grandchildren.

SPONSOR OF MISSOURI
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 8, 2009

Mr. SKELTON. Madam Speaker, on Friday December 4, 2009, I had an opportunity to address the American Security Project Conference regarding the situation in Afghanistan. This speech followed a hearing of the House Armed Services Committee, which I chair, the day before.

(Speech given at the American Security Project Conference, Dec. 4, 2009)

BYOND THE SURGE: ASSESSING THE PRESIDENT’S AFGHANISTAN STRATEGY

(Ry Ike Skelton)

First, let me take a moment to thank Admiral Gary for that introduction. You’re too kind. I’d like to extend that thanks to Senator Hart and the American Security Project as a whole. You’re doing great work, and I appreciate your efforts. I’d also like to say happy birthday to Evelyn Farkas, here at ASP. I would also like to thank our brave men and women in uniform. We have asked much of them in the past decade, and they have not failed to deliver.

Two months ago, I wrote a letter to the President saying, essentially, that he should resign his commission to his commitment to the American people. Being a member of Congress, it took six pages to say that, but that was the basic message. I made the same point in private conversations with the President, and so it pleased me the other night when the President agreed to provide General McChrystal with additional forces needed to make this new strategy work.

But before assessing the overall strategy, I think we should take a moment to remind ourselves why we’re in Afghanistan and the threat we face there.

Af’Qa is no threat to our nation. Osama bin Laden and his minions have never targeted us. But we have attacked them many times over the years. The most remarkable attack involved the murder of 3000 civilians—men, women, and children—but it was hardly the only attack. And I do not believe that anyone has a good reason to believe that they have given up their attempts to attack us.

Following our invasion of Afghanistan in response to this attack, al’Qa’ida largely fled to the border regions of Pakistan. Their Taliban allies, meanwhile, continue to escalate their attacks in an attempt to overthrow the Afghan government and drive out the international coalition.

Others have differing opinions on this, but I do not believe that we can ultimately de-stroy al’Qa’ida if we cannot prevent them from recreating a safe haven in Afghanistan.
I also do not believe that we can be successful in rooting them out of Pakistan if we fail in Afghanistan.

Afghanistan and Pakistan have some inherent advantages for al Qa’ida that other regional states do not have. Among them is the fact that the two states share a long border, which al Qa’ida could use to conduct activities. In addition, there are many areas in the two countries where there is a significant presence of Pakistani and Afghan tribes that have been traditionally hostile to the governments of both countries. These tribes could potentially provide safe havens for al Qa’ida operatives.

Moreover, the two countries have a long history of cooperation and conflict with each other. This has resulted in a complex relationship between the two governments, which makes it difficult for them to cooperate effectively in the fight against al Qa’ida.

On the other hand, the United States has a clear interest in preventing al Qa’ida from establishing a presence in either country. This is because al Qa’ida has used both Pakistan and Afghanistan as bases for its operations in the past. The United States has also expressed concern about the potential for al Qa’ida to use these countries as safe havens for its fighters.

In conclusion, while al Qa’ida has some inherent advantages in Pakistan and Afghanistan, the United States has a clear interest in preventing its presence in these countries. This is why the United States has been willing to support efforts to stabilize both Pakistan and Afghanistan. By doing this, the United States hopes to prevent al Qa’ida from gaining a foothold in either country.
company and its founder so special is that Nelson is not just focused on running an economically successful company, but doing so in a responsible way. The company specifically focuses on using natural resources responsibly, thereby saving both water and energy with its innovative products.

If one drives through my home district of eastern Washington, you can’t help but spot some of Nelson’s products at work. These innovative irrigation systems are helping to produce food for an expanding global population. In fact, Nelson recognizes the importance of producing innovative products not just helping feed a growing population, but improving the quality of life for countless people throughout this country and the world.

Madam Speaker, with such innovative, dedicated, and sincere entrepreneurs as Bart Nelson helping to expand the irrigation products to new levels, I am confident that both eastern Washington and the United States can look forward to a future of world-class innovation and prosperity in the agricultural industry.

HONORING THE 125TH ANNIVERSARY OF THE RINGLING BROTHERS CIRCUS

HON. TAMMY BALDWIN
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 8, 2009

Ms. BALDWIN. Madam Speaker, I rise today to honor the 125th anniversary of the Ringling Brothers Circus and to recognize the role of both the Circus World Museum and the Wisconsin Historical Society in the preservation of circus industry history. The Ringling Brothers Circus has become a celebrated national entertainment enterprise based in Baraboo, Wisconsin, while the Circus World Museum and Wisconsin Historical Society have developed an impressive collection of circus artifacts and knowledge.

The Ringling Brothers Circus rose to prominence under the leadership of three local Baraboo area brothers, eventually becoming one of the most successful entertainment enterprises in American history. This circus has contributed to the economic and cultural vitality of Wisconsin since the Ringling brothers gave their first performance on May 19, 1884. Though Chas, Al, John, All, and Otto Ringling launched their small business with less than $100 in assets, these five Baraboo natives went on to purchase the world famous Barnum and Bailey Circus. The organization continued to grow, exhibiting the unique talents and showmanship of this Sauk County family for hundreds of audiences across the country. Combining their passion for performance with an entrepreneurial spirit, the Ringling brothers created one of the longest-running entertainment enterprises in the world. The work of the Ringling brothers and the success of their circus provide impressive examples for ambitious performers and business people everywhere. I am proud of the group’s contributions to both the state of Wisconsin and to audiences throughout America.

Over the past half century, the Wisconsin Historical Society and the Circus World Museum have become stewards of circus industry memorabilia and information. Baraboo is home to one of the largest collections of historical circus artifacts in the world, and the Circus World Museum’s Robert L. Parkinson Library and Research Center has become the world’s foremost research facility for circus history. With objects dating back to 1793, these organizations are leaders, both on a local and national level, in the preservation of circus material culture. By maintaining the documents, objects, and knowledge base associated with the circus, the Wisconsin Historical Society and the Circus World Museum have conserved a valuable aspect of our national heritage. The Historical Society’s work on behalf of the Ringling Brothers Circus, as well as the circus industry as a whole, serves as an ideal example of its dedication to the local communities and to the enrichment of society through historical preservation.

The citizens of Baraboo can be proud of their city, and its role as the first home to the “Greatest Show on Earth.” Since its inception, the Ringling Brothers Circus has cultivated a reputation for excellence in entertainment, while the Circus World Museum has set the standard for circus history preservation. I therefore commend Ringling Brothers Barnum & Bailey Circus for its sustained contributions to the national circus industry, as well as the Wisconsin Historical Society and the Circus World Museum, for their dedication to circus history and research.

NATIONAL PARK SERVICE AUTHORITY AND CORRECTIONS ACT OF 2009

SPEECH OF
HON. PAUL TONKO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, December 7, 2009

Mr. TONKO. Mr. Speaker, as a new Member of Congress, I have spent this year actively seeking opportunities to offer constructive legislative proposals on issues important to my constituents and to the Nation. I have been honored to sponsor measures dealing with improving highway safety and fostering research and development for alternative energy.

In addition to my other legislation focused on energy and transportation safety, I also directed my staff to contact the National Parks, Forests and Public Lands Subcommittee because the protection and preservation of our parks, heritage areas, forests and public lands are of vital interest to me and the people I represent.

The committee informed me that the National Park Service needed legislation to deal with a number of technical concerns facing the agency, and I was honored to act as the sponsor.

H.R. 3804 includes 10-year reauthorizations for two important advisory boards, the National Park System Advisory Board and the National Park Service Concession Management Advisory Board.

The National Park System Advisory Board was first authorized in 1935 and advises the NPS Director and the Secretary of the Interior on matters relating to the agency, the National Park System, and programs administered by the NPS, including the designation of national historic landmarks and proposed national historic trails. A full, 10-year reauthorization of the Board is critical to maintaining the excellent management standards set by the National Park Service.

The Concession Management Advisory Board was established by the National Parks Omnibus Management Act of 1998. The seven-member panel advises the Secretary of the Interior and the National Park Service on matters relating to the effective management of concessions in units of the National Park System. Reauthorization of this Board is important to ensure that the lodging, transportation, dining and other services provided to park visitors are of the very highest quality.

H.R. 3804 also raises the ceiling for the popular Volunteers in Parks program from $3.5 million to $10 million. Volunteers, of course, are not paid, but many receive reimbursement for travel costs or other small expenses. Our national parks simply could not function without these volunteers, and the VIP program is really the least we can do to repay their enormous contributions.

At the request of the National Park Service, H.R. 3804 changes the designation of the Martin Luther King Junior National Historical Site in Atlanta to the Martin Luther King, Jr. National Historical Park, to better reflect the size and complexity of the unit.

The bill also makes several minor boundary adjustments that will allow the National Park Service to cooperate with other sites near the U.S.S. Arizona Memorial to make ticketing easier for visitors and makes technical corrections for six provisions in the omnibus parks bill from earlier this year.

Finally, H.R. 3804 will strengthen law enforcement in our national parks by increasing and standardizing penalties for violations of park laws.

I urge my colleagues to vote in favor of this bill so that our Park Service can move to a more stable future.

THE HEALTH CARE REALITY CHECK ACT

HON. EARL BLUMENAUER
OF OREGON
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 8, 2009

Mr. BLUMENAUER. Madam Speaker, today I am proud to introduce the Health Care Reality Check Act of 2009.

It has become clear that some of my colleagues in Congress lack proper perspective on the urgency of health reform because, ironically, as Members of Congress we enjoy some of the best health security in the world through our government-administered health care.

All Members of Congress are eligible—and most participate in—the Federal Employee Health Benefits Program, which provides all Federal employees with a Government-negotiated health insurance plan.

The 121 Senators and Representatives who served in our Armed Forces are eligible for the “socialized” health care we provide for all veterans;

And Members who aren’t veterans can avail themselves to a similar “socialized” program—
the Attending Physician in the U.S. Capitol, for an annual fee of around $500.

These Government-run health programs have successfully provided countless Senators and Representatives with life-saving medical treatments, but as we all know, most Americans rely on other sources for medical care.

Members of Congress should not have access to taxpayer-funded healthcare when they are actively denying these very people quality care of their own.

Congress needs a reality check.

In 2007, before the economy collapsed, 42 percent of all adults Americans under 65 were either uninsured or underinsured. Our dire unemployment rates and escalating health care costs have only made this situation worse. Today half of all American families delay seeking medical treatment because they have such a tenuous health insurance situation. Many of my colleagues do not fully appreciate the plight of 50 percent of our population, but we can help them understand.

Until health reform is enacted, Members of Congress should get to experience the tender mercies of our fragmented, complex, and exploitative health care system. My Health Care Reality Check Act terminates all government-administered health benefits for Members of Congress until comprehensive health reform is signed into law: no more Federal Employee Health Benefits Program, no Medicare, no VA, no attending physician in the Capitol.

Instead, Senators and Representatives may self-insure or they can rely on a spouse's company having employer-provided insurance, thus tying them—like millions of Americans—to the employment of a family member. Some will need to buy health insurance on the private market, exposing them to legal discrimination based on age and gender.

By personally dealing with rescissions, pre-existing condition exclusions, the fine-print of insurance contracts and the gaps in coverage from weak consumer protections maybe my colleagues can better grasp the urgency of our health care crisis.

If our own health security were linked to the success of health reform for all Americans, we will have a bill enacted within weeks, guaranteed.

INTRODUCING LEGISLATION ADDRESSED WORST WORLD WAR II AND THE DEPORTATION OF JEWS AND OTHERS TO CONCENTRATION CAMPS

HON. CAROLYN B. MALONEY OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mrs. MALONEY. Madam Speaker, I am pleased to join my colleagues Ranking Member ILEANA ROS-LEHTINEN and Congressman JERRY NADLER in introducing bipartisan legislation.

Mr. Speaker, I am introducing legislation that addresses a horrific period in world history: World War II and the deportation of millions of Jews and others to concentration camps. This bill would allow French railroad companies, which took more than 75,000 Jews from France to concentration camps during World War II, less than 3 percent of whom survived. Under current law, these foreign entities are immune from legal action. Specifically, the bill provides plaintiffs the right to seek damages against the French National Railway (Societe Nationale des Chemines Fers Francais—SNCF) in Federal Court for its transportation of French and other Jews to Auschwitz as well as its supply of personnel to facilitate the transportation and the assessed charges per person. The French Government claims immunity from legal action due to the Foreign Sovereign Immunities Act, yet the FSIA was passed 30 years after the action causing the damages for which the plaintiffs seek. The bill allows the plaintiffs to sue regardless of the strictures of the FSIA.

Nothing will repair the unthinkably atrocities undertaken by Nazi Germany and its sympathizers during World War II, but every bit of justice is important. No perpetrator or accomplice of the Holocaust should ever go unpunished. This bill allows some measure of closure for those who have suffered for far too long.

FIRST GLOBAL MINISTERIAL CONFERENCE ON ROAD SAFETY

HON. ROBERT WEXLER OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. WEXLER. Madam Speaker, as a founding co-Chair of the Congressional Caucus on Global Road Safety, I rise today to praise the highly encouraging efforts and outcomes of the First Global Ministerial Conference on Road Safety, held in Moscow, Russia, on November 19 and 20, 2009.

This important conference was the result of a five-year effort by a global community of stakeholders from multilateral and bilateral institutions, from governmental and nongovernmental organizations, and from academia and civil society. These groups are dedicated to raising international awareness and to mobilizing a global response to advancing road safety.

Hosted by President Dmitry Medvedev and the Russian Federation, this conference brought together transportation ministers, health ministers, nongovernmental organizations, and experts from across the globe and reflected a growing understanding among nations to seek opportunities to cooperate on tackling one of the world’s most severe problems today—the epidemic of road crash deaths and injuries.

The statistics for this epidemic are staggering: 1.3 million people are killed annually on the world’s roads and 50 million more are injured. The number of deaths each year is the equivalent of 10 jumbo jets crashing every day, and the toll is continuing to increase dramatically. At the current rate of growth, road crashes will be the fifth leading cause of death overall by the year 2030, and the first leading cause of death for children aged five and older by 2050. Road crashes have the potential to cause more global devastation.

Road crashes do not discriminate by age, class, gender, race, or nationality. Nor do they respect the bounds of geography. In the United States alone the death toll is an estimated 44,000 people annually, and road crashes are the leading cause of death among Hispanics under 34 years of age. Meanwhile, in some African countries, up to half of all hospital surgical beds are occupied by road crash victims, while in others the fatalities rank second only to HIV/AIDS.

Along with the unfathomable human cost of road crashes, there are also grave economic costs to individuals, families, and communities. It is estimated that road crashes cost $516 billion dollars annually. Road crashes are the second leading cause of preventable strain on health services, health care services, and health insurance services, as many victims require extensive, and expensive, critical care, as well as follow-up care and rehabilitation. In countries where a primary bread-winner is killed or injured, or must care for the injured, this can destroy livelihoods and devastate communities.

The First Ministerial Conference on Road Safety in Moscow addressed each of these issues, as well as many other key components of the road safety epidemic, in an intensive two days of plenary and special discussions during which high level delegates from various nations and organizations shared experiences, ideas, and best practices.

I would like to commend the U.S. delegation, which included representation from the Department of State, the Department of Transportation, the Centers for Disease Control and Prevention, and other partner state and federal agencies, for its robust participation and high level representation throughout the conference. As the first global forum for road safety, this conference was truly a historic event. I am pleased that the U.S. delegation took a strong leadership role in addressing U.S. road safety goals and objectives, as well as in working constructively with the conference to establish new benchmarks for best practices and road traffic injury prevention, as announced in the Moscow Declaration.

The Moscow Declaration reinforces governmental leadership and guidance on road safety, sets regional casualty reduction targets, and offers a new framework for international collaboration on global road safety. The declaration also profoundly recognizes that the United Nations is a new benchmark for the “Decade of Action for Road Safety” with the goal of stabilizing and reducing the forecast level of global road deaths. Finally, the Declaration encourages the U.N. General Assembly to ratify and the world to fully support these goals and policies it proposes.

I would like to acknowledge the hard work of all those who helped make the First Ministerial Conference on Global Road Safety a success. I applaud the Russian Federation for taking the initiative of hosting this critical conference in Moscow. I would like to commend the U.S. delegation and other participants from around the world for having demonstrated a surprising commitment to the important goal of reducing road deaths on a global scale.

I and the rest of the Congressional Caucus on Global Road Safety look forward to continuing our fruitful dialogue with the Russian Federation, other governments, the international NGO community and other organizations, with the aim of finding further ways to improve road safety, and I am hopeful that the Congressional Caucus as a whole will continue to do so as well. Finally, I encourage the Obama Administration and the American delegation to continue their strong leadership in ensuring that
the casualty reduction targets and the road safety initiatives detailed in the Moscow Declaration are accomplished, both at home and abroad.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 8, 2009

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately earlier today I was unable to cast my votes on H.R. 3288, H. Con. Res. 199, H. Con. Res. 206, and H. Res. 940 and wish the record to reflect my intentions had I been able to vote.

Last night, as you are aware, there were no votes in the House of Representatives due to the White House Christmas Party. I took this opportunity to meet with some of my young constituents at the Farmhouse Fraternity on the campus of the University of Illinois at Urbana-Champaign to discuss agricultural issues and the implementation of the Farm Bill. Early this morning I boarded an airplane in Champaign, Illinois, and unfortunately due to weather, my plane was drastically delayed, I was unable to arrive in Washington, DC to cast my votes.

Had I been present on rollcall #931 on the Motion to Instruct Conferences on H.R. 3288, Making appropriations for the Departments of Transportation, HUD, and related agencies for FY 2010, I would have voted “aye”. This vote would have blocked any attempt by the Majority from using H.R. 3288 as the vehicle for an Omnibus Appropriations bill and require that the language for this bill be posted online for 72 hours prior to any vote. Madam Speaker, omnibus appropriations bills that are hundreds of pages long and have not been fully vetted is no way to fund our government and I urge you to refrain from using this bill for those purposes.

Had I been present on rollcall #932 on suspending the rules and passing H. Con. Res. 199, Recognizing the 10th Anniversary of the activation of Echo Company of the 100th Battalion of the 442nd Infantry, and the sacrifice of the soldiers and families in support of the United States, I would have voted “aye.”

Had I been present on rollcall #933 on suspending the rules and passing H. Con. Res. 206, Commending the soldiers and civilian personnel stationed at Fort Gordon and their families for their service and dedication to the United States and recognizing the contributions of Fort Gordon to Operation Iraqi Freedom and Operation Enduring Freedom and its role as a pivotal communications training installation, I would have voted “aye.”

Had I been present on rollcall #934 on suspending the rules and passing H. Res. 940, Recognizing and honoring the National Guard on the occasion of its 373rd anniversary, I would have voted “aye.”

CONGRESS IS TAKING THE WRONG APPROACH ON ESTATE TAX REFORM

HON. JERRY MORAN
OF KANSAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 8, 2009

Mr. MORAN of Kansas. Madam Speaker, farmers, ranchers, and other small businesses are the backbone of the Kansas economy. The ability to pass a business from one generation to the next is critical to a business’s ongoing success. Rural America has enough trouble retaining a youthful workforce. The estate or “death” tax does not aid our efforts in promoting long term growth and curbing depopulation.

A major obstacle to the continuity of a business is the estate tax. I have long sought a permanent repeal of the estate tax. This tax comprises less than one percent of U.S. revenues, but poses a substantial impediment to the growth of family farms and small businesses. H.R. 4154, Permanent Estate Tax Relief for Families, Farmers, and Small Businesses Act of 2009, does not provide the necessary reforms. While the certainty provided by H.R. 4154 would be welcome, passage of this legislation reduced the chances to next to none that any significant changes will occur to estate taxes in the future. I have sponsored an alternative that, for a while, was expected to be brought to the House floor. While it does not do all that I would like; it is reasonable and continues to have the chance for broad bipartisan support.

While I will continue to look for ways to achieve a full repeal, I believe the next best alternative, given today’s political and economic climate, is H.R. 3905, the Estate Tax Relief Act of 2009. H.R. 3905 will exempt, from the estate tax, estates worth $3.5 million in 2009, increase the exemption to $5 million by the year 2019, and index the exemption to inflation to allow it to automatically increase in the years following 2019. Enacting exemptions at these levels should prevent a majority of Kansas’ small businesses from being affected by the tax. H.R. 3905 will also reduce the maximum tax rate, for estates in excess of the exemption, to 35 percent by the year 2019.

While I am encouraged to see the House’s willingness to address this issue, I feel Congress has missed an opportunity. I could not support H.R. 4154 because I believe it did not sufficiently address the damaging consequences of the estate tax while limiting the chances that Congress will ultimately do so. It is apparent that the House is currently unwilling to consider a full repeal. Until Congress is ready for that discussion, I will continue to work for initiatives that alleviate financial pressure from our farmers, ranchers, and small business owners.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 8, 2009

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is $12,086,172,114,368.23.

On January 6th, 2009, the start of the 111th Congress, the national debt was $10,638,425,746,293.80. That means the national debt has increased by $1,447,746,368,074.43 so far this year. According to the nonpartisan Congressional Budget Office, the forecast deficit for this year is $1.6 trillion. That means for this year, we borrowed and spent an average $4.4 billion a day more than we have collected, passing that debt and its interest payments to our children and all future Americans.

SATELLITE HOME VIEWER REAUTHORIZATION ACT OF 2009

SPEECH OF

HON. FRANK KRATOVIL, JR.
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 2, 2009

Mr. KRATOVIL. Madam Speaker, I rise in support of H.R. 3570, the Satellite Home Viewer Update and Reauthorization Act of 2009. This legislation reauthorizes the Satellite compulsory license for carriage of distant network satellite affiliate TV station signals. If this bill does not become law before the end of the year, the distant network carriage license will expire and satellite subscribers would be left in the dark.

While I support the underlying legislation, I would like to draw attention to a provision that I believe could undermine our efforts to ensure rural residents have access to local programing. By redefining an “unserved household” to include those served by multicast networks, this legislation allows satellite broadcasters to continue to import distant, out-of-market signals into short markets when they are no longer necessary. I request that a letter signed by 18 bipartisan Members of the House of Representatives expressing concern over this definition of “unserved household,” be inserted as an extraneous material.
IN HONOR OF DECATUR TRADES & LABOR 50TH ANNIVERSARY

HON. PHIL HARE
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 8, 2009

Mr. HARE. Madam Speaker, I rise to honor the Decatur Trades and Labor Assembly on the occasion of its 50th anniversary. For over 5 decades, this Council of affiliated unions has improved the lives of working families in Decatur, Illinois and its surrounding area.

From day one, Decatur Trades and Labor made a positive impact on local residents. Its Council fought hard to organize the underunionized, giving more workers the opportunity to bargain collectively and access the American Dream. For those already under union contract, the Council was a fierce advocate for better wages, benefits, and working conditions. Each victory it achieved helped all workers, union or nonunion, affiliated or nonaffiliated. Decatur Trades and Labor recognized early on that a rising tide lifts all boats.

The great work of Decatur Trades and Labor went far beyond the union bargaining table. It worked with groups like the NAACP to achieve racial justice. It promoted blood drives for the American Red Cross and food drives for the hungry. It registered people to vote. And it encouraged members to give what they could to local charities.

Fifty years later, Decatur Trades and Labor remains a staple in the community. Everywhere you go, there are living testaments to the Council’s great work. But it is a landmark downtown—the monument honoring fallen and injured workers—that sticks out most in my mind. Nearly every April, I travel to that monument for Workers Memorial Day. It is a touching reminder of our moral obligation to ensure workers return home safely to their families each and every night. We have Decatur Trades and Labor to thank for making it such a unique focal point of the city’s downtown.

On this golden anniversary, I thank Decatur Trades and Labor for making the city it calls home a better place to live. I look forward to seeing what more it can accomplish in the next 50 years.

HONORING FREEMAN Hrabowski
HON. STENY H. HOYER
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 8, 2009

Mr. HOYER. Madam Speaker, I rise to honor Freeman Hrabowski, President of the University of Maryland, Baltimore County, who has recently been honored as one of Time magazine’s 10 Best College Presidents.

President Hrabowski’s deep commitment to fostering excellence in science and math has helped increase UMBC’s number of African-American science and engineering majors sevenfold. Today, UMBC is one of America’s biggest producers of African-American science and engineering Ph.D.s. As a fellow college president I put it, President Hrabowski “has taught all of higher education that minority and low-income students . . . can meet the highest standards and excel.”

Those high standards are, importantly, a matter of national competitiveness—but they are also a measure of this nation’s promise of equality. As a child in Alabama, Freeman Hrabowski remembers Martin Luther King, Jr. telling civil rights marchers: “What you do this day will have an impact on generations yet unborn.” Today, at pong the JMBC, that promise is coming true in the lives of the young men and women who are making the most of what those marchers won for them.

I join the members of the Maryland House delegation in thanking President Hrabowski for his commitment to his institution and his extraordinary contribution to higher education. We congratulate him for this much-deserved recognition of his achievements.

RECOGNIZING AND HONORING THE NATIONAL GUARD ON ITS 373RD ANNIVERSARY

SPEECH OF
HON. EDDIE BERNICE JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Monday, December 7, 2009

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of H. Res. 940 recognizing and honoring the National Guard on the occasion of its 373rd anniversary.

The security and freedom we enjoy in the United States of America is due in great part to the sacrifices made by the oldest component of the Armed Forces, the National Guard. From the Revolutionary War to the latest military operations in the Middle East, the Citizen-Soldiers of the National Guard have competently responded to the call of duty. In addition to serving overseas, these men and women make up the forces in the state divisions, such as the Texas National Guard, and have been key in serving the local community during natural disasters and civil emergencies.

As we reflect on the 68th anniversary of Pearl Harbor this week, it reminds us of the ultimate sacrifice members of the National Guard have bravely made, and will continue to make, for our country. I urge my colleagues to join me in supporting H. Res. 940 to recognize and honor the National Guard on the occasion of its 373rd anniversary.

HONORING THE 75TH ANNIVERSARY OF THE UNIVERSITY OF WISCONSIN ARBORETUM

SPEECH OF
HON. TAMMY BALDWIN
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 8, 2009

Ms. BALDWIN. Madam Speaker, I rise today to honor the 75th anniversary of the University of Wisconsin Arboretum, and to recognize the efforts of the community organization Friends of the Arboretum. Since June 17, 1934, Madison area citizens have worked with University of Wisconsin officials to develop and maintain an invaluable collection of restored prairies, woodlands, and wetlands of committed people have contributed to the Arboretum in countless ways, one group in particular offers an ideal example of dedication to...
the Arboretum's mission. The nonprofit organization Friends of the Arboretum has helped preserve this valuable ecological resource both by fundraising for the Arboretum and through volunteer work. Those efforts, and the work of many others, have made possible invaluable scientific research and unique community opportunities.

Of course, Madison's Arboretum may not have been possible without the initial commitment of 200 hardworking individuals from the Civilian Conservation Corps. During the Great Depression, the efforts of these young government workers produced a natural sanctuary free from encroaching development and biological contamination. Just a few years after its dedication, the Madison Arboretum became the site of several important ecological experiments on conservation and restoration. One historic study conducted on the Arboretum's Curtis Prairie helped establish the use of fire as an effective prairie restoration technique, a method now widely recognized. Those 60 acres of Curtis Prairie today comprise the oldest restored prairie land in the United States.

As University of Wisconsin scientists continue to develop and enhance methods of ecological restoration, the Arboretum remains an important resource in the research process. The Arboretum now contains several preserved forests, prairies, and other lands, spread over hundreds of acres, which make possible influential ecological studies. Since the Civilian Conservation Corps first began reintroducing native flora to the various ecosystems of the Arboretum, it has grown to house over 300 different species of plants. Though urbanization and the invasion of new plant types have provided new, modern challenges for this space, the commitment of university workers and community volunteers, such as those from Friends of the Arboretum, have kept the Arboretum strong. In addition to scientific research, Arboretum workers and volunteers facilitate a variety of community events, and offer unique educational opportunities in the field of ecology.

Today, Madison's University of Wisconsin Arboretum contains the single most comprehensive assortment of restored ecosystems and a highly visible group of supporters. I therefore honor the 75th anniversary of the University of Wisconsin Arboretum, and commend both Friends of the Arboretum and all other Arboretum volunteers. The sustained commitment of numerous community members has maintained and enhanced a truly priceless natural resource.

IN RECOGNITION OF CHEROKEE COUNTY HIGH SCHOOL WINNING THE ALABAMA 4A STATE FOOTBALL CHAMPIONSHIP

HON. MIKE ROGERS
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 8, 2009

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House’s attention today to pay recognition to the Cherokee County High School football team in Centre, Alabama. The team recently won the 2009 Alabama 4A State Football Championship.

On December 3, the Cherokees defeated Jackson High School by a score of 31–24 at Bryant-Denny Stadium in Tuscaloosa, Alabama. The Warriors finished the season with a record of 15–0, making them the only undefeated team in the state. The Warriors are coached by Trip Curry, and the school’s principal is Doug Davis. I’d like to congratulate the football team, coaches and high school students and staff on this outstanding achievement. All of us across Cherokee County and East Alabama are deeply proud of these talented young Alabamians.

HONORING COLONEL JONATHAN FLAUGHER
HON. GEORGE RADANOVICH
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 8, 2009

Mr. RADANOVICH. Madam Speaker, I rise today, along with my colleague Jim Costa, to commend and congratulate COL Jonathan Flaugher upon being recognized as a “Citizen Soldier” by Fresno City College. Colonel Flaugher was recognized on Friday, November 6, 2009 at Fresno City College’s Veterans Day Memorial event held at Fresno City College in Fresno, California.

COL Jonathan Flaugher assumed command of the 144th Fighter Wing, California Air National Guard in January 2007. He continued to serve as the Command Pilot with over 4,000 hours of Air Force jet and fighter time, and is currently an F-16 Instructor Pilot. He graduated from North Carolina State University in 1977, with a Bachelor of Arts degree in History, and entered the United States Air Force through the ROTC program.

Colonel Flaugher was on active duty until 1995, and he has been with the 144th in Fresno ever since. Prior to his assignment as the 144th Wing Commander, Colonel Flaugher served as the Active Duty Advisor, 144th Squadron Flight Commander and Operations Officer, 144th Logistics Group Commander, 144th Maintenance Group Commander and 144th Operations Group Commander. He graduated from the United States Air Force Academy in-residence program at Maxwell Air Force Base, Alabama in 1998. Previous assignments include a staff tour with HQ USAFE and flying assignments in the F-16 at Spangdahlem Air Base in Germany, the F-106 at Griffiss Air Force Base in New York. After pilot training at Williams Air Force Base in Arizona he was assigned to the T-33 at Tyndall Air Force Base, Florida. His first Air Force assignment was with the 726th Tactical Control Squadron base at Homestead Air Force Base in Florida.

Madam Speaker, Mr. Costa and I rise today to commend and congratulate COL Jonathan Flaugher upon being recognized as a “Citizen Soldier.” I invite my colleagues to join us in wishing Colonel Flaugher many years of continued success.

IN APPRECIATION OF MILLBRAE MAYOR ROBERT GOTTCHALK
HON. JACQUE SPEIER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 8, 2009

Ms. SPEIER. Madam Speaker, every community should be so fortunate as to have a dynamic and committed public servant like Millbrae Mayor Robert Gottschalk.

Mayor Gottschalk is stepping down after eight years on the City Council, including two stints as Mayor. Bob’s tenure on the council has been defined by his steady advocacy for the people of Millbrae, giving special emphasis to youth and senior programs, improving downtown and mitigating the impact of BART on Millbrae residents.

Mayor Gottschalk graduated from San Jose State University and went on to receive an M.B.A. in Finance from the University of California at Berkeley and a J.D. from UC Hastings College of the Law. He served our nation with distinction, retiring as a Captain from the U.S. Navy Reserves and worked for 21 years in banking before becoming an attorney.

Mayor Gottschalk represents Millbrae on the Association of Bay Area Governments, Peninsula Congestion Relief Alliance and the Joint Powers Authority for County Emergency Medical Response. He has also served as a member of the Millbrae Community Preservation Commission and was citizen advisor to the San Mateo County Transportation Authority.

Madam Speaker, I have worked closely with Mayor Gottschalk and my impression of him can be summed up as “leadership with a velvet glove.” Bob has always led with gentility and a sense of decorum and the simple fact is that Millbrae, California is a better place to live because of his work. I know of no better barometer for public service than that.

HONORING JERRY “ICEMAN” BUTLER ON THE OCCASION OF HIS 70TH BIRTHDAY
HON. BOBBY L. RUSH
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 8, 2009

Mr. RUSH. Madam Speaker, I rise today to pay tribute to and honor a legendary singer and songwriter, Jerry “Iceman” Butler on the occasion of his 70th birthday. An award-winning performer, producer and composer, and one of the architects of Rhythm and Blues, Mr. Butler, has enjoyed a 51-year career that began at the young age of 18, when he and Curtis Mayfield formed a rhythm and blues group, The Impressions, in Chicago in 1958.

The same year, Butler wrote a song titled For Your Precious Love, which became “the first of the Soul Music recordings” and a “landmark recording,” according to Rolling Stone Magazine. The single, on Vee-Jay Records, became the first for The Impressions to “go Gold.”

Butler, named “the Iceman” in 1959 by Philadelphia radio personality Georgie Woods for Butler’s “cool as ice” delivery and debonair, effortless style has had numerous million selling recordings (“Gold”) during his career: For Your Precious Love (with The Impressions, Vee-Jay, 1959); He Will Break Your Heart (with The Impressions, Vee-Jay, 1960); Moon River (Vee-Jay, 1961); Never Gonna Give You Up (Mercury, 1967); Hey Western Union Man (Vee-Jay, 1968); Brand New Me (Mercury, 1969); Only the Strong Survive (Mercury, 1969); and Ain’t Long Now (Mercury, 1976). Butler’s “cool as ice” delivery and debonair, effortless style has had numerous million selling recordings (“Gold”) during his career for Butler’s “cool as ice” delivery and debonair, effortless style has had numerous million selling recordings (“Gold”) during his career.
HON. DANNY K. DAVIS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 8, 2009

Mr. DAVIS of Illinois. Madam Speaker, I take this opportunity to congratulate Mr. Salvatore F. Perry on the occasion of his 70th birthday which was November 16, 2009 and to salute him for his many years of outstanding service as a businessman and civic mainstay in the City of Chicago, and his leadership in the area of Chicago, commonly known as Little Italy.

Mr. Speaker, Salvatore Perry was born on November 16, 1939 at Mother Cabrini Hospital in Chicago to Francesco and Grace Perry, both of whom were born in Sicily, Italy. Mr. Perry was educated at St. Philip High School and graduated in 1957. When he was 9 years old, his father bought Perry's Bakery at 1052 West Taylor Street. Sal worked there all through high school. After graduation he worked at the South Water Market and later joined the Army and served 2 years at Fort Leonardwood, Missouri as a quartermaster.

On November 12, 1962, Sal married Roseanne Raimondo Perry and they had two children, Cynthia and Salvatore. In 1962, Sal opened Westside Foods at 1152 West Taylor Street and operated the store until 1990. In 1990, Sal opened Rosal's Cucina and it continues to operate to this day. During this time Sal has supported the Humanitarian Award from Holy Family Church and contributed to many charities in the form of food donations and volunteer work.

On several thanksgivings, working with Congressman Danny K. Davis, he has donated dinners to seniors and the children at The Boys and Girls Club on Taylor and Racine. He helped to promote the rehabilitation of Holy Family Church by soliciting donations and other forms of marketing.

Madam Speaker, Sal retired in 2008, yet he continues to donate food and time to local charities. In his spare time, he enjoys fishing and spending time with his grandchild, Jaden. Madam Speaker, Salvatore F. Perry is a true humanitarian who has contributed significantly to humanity and I take this opportunity to commend him for his great work.

IN APPRECIATION OF MILLBRAE CITY TREASURER MARY VELLA TRESELER

HON. JACKIE SPEIER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 8, 2009

Ms. SPEIER. Madam Speaker, this evening the city of Millbrae, California will say thank you and farewell to a true public resource as City Treasurer Mary Vella Treseler retires from the post she has held for eight years.

Mary Vella Treseler was elected by the voters of Millbrae in 2001 and re-elected four years later. She brought thirty years of experience in the banking industry to her job and helped guide the city through many challenges that local governments have had to deal with in recent years.

This City Treasurer, however, serves her community in many ways. She has donated her time and talents to the Constitution Bicentennial Planning Committee, Millbrae Beautification Commission and Public Access Television Commission. Ms. Treseler also took an active part as a member of the Mayor's Civic Coordinating Council and Millbrae's Smoking Ordinance and 50th Anniversary Committees. In addition, she represented Millbrae on the San Mateo County Sequecentennial Committee and was President of Soroptimist International of Millbrae-San Bruno. As if that is not enough, Mary has somehow found the time to serve as President of the Millbrae Historical Society for the past eight years.

As should be expected, Mary is no stranger to civic honors. She was named “Millbrae Woman of the Year” in 1999 and is the recipient of the Millbrae Historical Society's “Living History Award.” Mary moved to Millbrae in 1977, where she and her husband, Joseph Amoroso, raised their children, Adonna and Joseph Raymond. In Millbrae, she was widowed in 1985. Her response was to get more involved in her community, which began her quarter-century of service to Millbrae. In 1990, Mary married then-Mayor Robert Treseler and her involvement in local government increased. So, too, did her family as Mary embraced the addition of step-children Robert Jr., William, James and Catherine. Sadly, we lost Mayor Treseler two years ago.

Madam Speaker, this is a remarkable woman with boundless energy and a passionate interest in her community. On behalf of my constituents in the United States House of Representatives, I want to thank City Treasurer Mary Vella Treseler for her longtime service to the people of Millbrae and to our nation.
breath of fresh air. Fans of good government and humble leadership are sorry to see her retire after fifteen years serving the people of Redwood City.

Diane was born in Rockville Center, New York, the first of eight children. In 1981, after graduating from nursing school, she and husband Steve moved west. Upon arriving in Redwood City, Diane jumped into her community, serving on the Housing and Human Concerns Committee, Parks and Recreation Commission and Child Care Advisory Committee. She has also been active on the Economic Development Committee of the Redwood City Chamber of Commerce, the San Mateo County Medical Auxiliary Board, and the Redwood City Housing Advisory Board. Her work with the Redwood Shores Neighborhood Association led to the financing and development of schools, fire stations and a community center.

Diane was elected to the City Council in 1994 and was re-elected three times. Passionate about the issues of concern to her, Councilwoman Howard is nonetheless known for her kindness, warmth and positive attitude. Even those of opposing views will attest that Diane brought a new tone of civility to the City Council and its meetings. She is known for her patient willingness to listen to all points of view and has advocated for increased cooperation between City Hall, local businesses and community groups.

Madam Speaker, I have worked closely with Councilwoman Howard over the years and enjoyed every minute of our interactions. I wish there were more people in public life like her. On behalf of my colleagues in the United States House of Representatives, I thank Diane for her service. I also wish to thank her husband, Steve, and son, Geoffrey, for sharing this remarkable woman with the greater community.

TRIBUTE TO MS. FLORENCE LOGAN ON THE OCCASION OF HER 100TH BIRTHDAY

HON. DANNY K. DAVIS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 8, 2009

Mr. DAVIS of Illinois. Madam Speaker, I rise to express congratulations to Ms. Florence Logan of Hillside, Illinois on the occasion of her 100th birthday which took place on October 27, 2009.

Ms. Logan is one of rare individuals who have not only lived a long life, but have lived a long and productive life. She has been a bright shining star whose life has been a beacon of hope. She has been active in politics for many years. She worked as an Election Judge, volunteer, ran a family store in the Garfield Park Community before moving to Hillside. She and her husband were married for 72 years and represented the true essence of family. She and her husband have five children, twelve grandchildren, and fifteen great grandchildren.

Madam Speaker, it is a great honor for me to offer this tribute to Ms. Logan, congratulate her on her accomplishments and wish her well as she continues a very productive life.

IN APPRECIATION OF REDWOOD CITY COUNCILMAN JIM HARTNETT

HON. JACKIE SPEIER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 8, 2009

Ms. SPEIER. Madam Speaker, Redwood City, California said good-bye to one of its most effective leaders when Councilman Jim Hartnett retired from public service this month.

Jim Hartnett is a story of "local boy makes good." Raised in Redwood City, he attended Mount Carmel School, Sequoia High School and Cañada College. The son of a long-time captain in the San Mateo County Sheriff's Office, Jim grew up well-versed in local issues and with a passion for public service. He, too, is passing on this tradition to his sons, Josh and Jake, and daughters, Julia and Lydia, all of whom have grown up in the city that Jim loves so much.

Anyone who has attended a Council meeting in Redwood City over the past fifteen years has witnessed Councilman Hartnett's intellect and ability to explain dry, complex issues in accessible language that everyone can understand. Equally important to thinking clearly is a public official's willingness to take the lead on contentious issues. Councilman Hartnett was never timid about speaking his mind and his constituents always knew where he stood. I have had the privilege of working with Jim on numerous thorny topics over the years and found him to be, not only quick to grasp the issues, but equally effective at developing solutions. His leadership will be sorely missed.

Prior to being elected to the City Council, Jim served on the city’s Planning Commission and Charter Review Committee. He has also served as chair of the Housing and Human Concerns Committee and the San Mateo County Business Development Commission and was President of the Redwood City Chamber of Commerce.

Madam Speaker, Mr. Hartnett has given much to the community where he was raised. He has dedicated decades of his life to improving Redwood City and San Mateo County and for that, deserves our thanks. While he is retiring from office, I know that Jim Hartnett will not wander far. He will certainly continue his involvement with Redwood City Little League and other youth activities and will very likely be pressed into service in other ways by his wife, current Redwood City Mayor Rosanne Foust.
Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S12647–S12742

Measures Introduced: Six bills and one resolution were introduced, as follows: S. 2846–2851, and S. Res. 372.

Page S12708

Measures Considered:

Service Members Home Ownership Tax Act—Agreement: Senate continued consideration of H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, taking action on the following amendments proposed thereto:

Pages S12648–99

Rejected:

Nelson (NE) Amendment No. 2962 (to Amendment No. 2786), to prohibit the use of Federal funds for abortions. (By 54 yeas to 45 nays (Vote No. 369), Senate tabled the amendment.)

Pages S12648, S12659–64, S12669–83

Withdrawn:

By 42 yeas to 57 nays (Vote No. 370), McCain motion to commit the bill to the Committee on Finance, with instructions. (A unanimous-consent agreement was reached providing that the amendment, having failed to achieve 60 affirmative votes, the amendment be withdrawn.)

Pages S12684

Pending:

Reid Amendment No. 2786, in the nature of a substitute.

Pages S12648

Dorgan Modified Amendment No. 2793 (to Amendment No. 2786), to provide for the importation of prescription drugs.

Pages S12685–88

Crapo motion to commit the bill to the Committee on Finance, with instructions.

Pages S12685

A unanimous-consent-time agreement was reached providing for further consideration of the bill at approximately 9:30 a.m., on Wednesday, December 9, 2009, and that following any remarks of the Chair and Ranking Member of the Committee on Finance, or their designees, for up to 10 minutes each, the next two hours be for debate only, with the time equally divided and controlled between the two Leaders or their designees, with Senators permitted to speak for up to 10 minutes each; the Republicans controlling the first 30 minutes, and the Majority controlling the second 30 minutes; with the remaining time equally divided and used in alternating fashion; provided further, that no amendments are in order during this time.

Page S12742

Nominations Received: Senate received the following nominations:

Michael Peter Huerta, of the District of Columbia, to be Deputy Administrator of the Federal Aviation Administration.

1 Air Force nomination in the rank of general.
1 Army nomination in the rank of general.

Page S12742

Messages from the House:

Measures Referred:

Measures Placed on the Calendar:

Executive Communications:

Executive Reports of Committees:

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Amendments Submitted:

Authorities for Committees to Meet:

Record Votes: Two record votes were taken today. (Total—370)

Pages S12683–84

Adjournment: Senate convened at 10 a.m. and adjourned at 8:38 p.m., until 9:30 a.m. on Wednesday, December 9, 2009. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on Page S12742.)

Committee Meetings

(Committees not listed did not meet)

AFGHANISTAN

Committee on Armed Services: Committee concluded a hearing to examine Afghanistan, after receiving testimony from Karl W. Eikenberry, United States Ambassador to Afghanistan, Department of State; and General Stanley A. McChrystal, USA, Commander, International Security Assistance Force, Commander, United States Forces Afghanistan, Department of Defense.
ENERGY BILLS
Committee on Energy and Natural Resources: Subcommittee on Energy concluded a hearing to examine H.R. 957, to authorize higher education curriculum development and graduate training in advanced energy and green building technologies, H.R. 2729, to authorize the designation of National Environmental Research Parks by the Secretary of Energy, H.R. 3165, to provide for a program of wind energy research, development, and demonstration, H.R. 5246, to provide for a program of research, development, demonstration and commercial application in vehicle technologies at the Department of Energy, H.R. 3585, to guide and provide for United States research, development, and demonstration of solar energy technologies, S. 737, to amend the Energy Independence and Security Act of 2007 to authorize the Secretary of Energy to conduct research, development, and demonstration to make biofuels more compatible with small nonroad engines, S. 1617, to require the Secretary of Commerce to establish a program for the award of grants to States to establish revolving loan funds for small and medium-sized manufacturers to improve energy efficiency and produce clean energy technology, S. 2744, to amend the Energy Policy Act of 2005 to expand the authority for awarding technology prizes by the Secretary of Energy to include a financial award for separation of carbon dioxide from dilute sources, and S. 2773, to require the Secretary of Energy to carry out a program to support the research, demonstration, and development of commercial applications for offshore wind energy, after receiving testimony from Kristina M. Johnson, Under Secretary of Energy.

FEDERAL DRINKING WATER PROGRAMS
Committee on Environment and Public Works: Committee concluded an oversight hearing to examine Federal drinking water programs, after receiving testimony from Peter S. Silva, Assistant Administrator for Water, and Cynthia J. Giles, Assistant Administrator for Enforcement and Compliance Assurance, both of the Environmental Protection Agency; Matthew C. Larsen, Associate Director for Water, U.S. Geological Survey, Department of the Interior; Jerome A. Paulson, American Academy of Pediatrics, Washington, D.C.; Michael G. Baker, Association of State Drinking Water Administrators, Arlington, Virginia; Gene Whatley, Oklahoma Rural Water Association, Inc., Oklahoma City; and Jeffrey K. Grif-fiths, Tufts University School of Medicine, Boston, Massachusetts.

BUSINESS MEETING
Committee on Foreign Relations: Committee ordered favorably reported the nominations of Rajiv J. Shah, of Washington, to be Administrator of the United States Agency for International Development, and Mary Burce Warlick, of Virginia, to be Ambassador to the Republic of Serbia, James B. Warlick, Jr., of Virginia, to be Ambassador to the Republic of Bulgaria, Eleni Tsakopoulos Kounalakis, of California, to be Ambassador to the Republic of Hungary, Mary Jo Wills, of the District of Columbia, to be Ambassador to the Republic of Mozambique, Alberto M. Fernandez, of Virginia, to be Ambassador to the Republic of Equatorial Guinea, Mary Jo Wills, of the District of Columbia, to be Ambassador to the Republic of Mauritius, and to serve concurrently and without additional compensation as Ambassador to the Republic of Seychelles, Jide J. Zeitlin, of New York, to be Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations for U.N. Management and Reform, and to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with the rank of Ambassador, Anne Slaughter Andrew, of Indiana, to be Ambassador to the Republic of Costa Rica, David Daniel Nelson, of Minnesota, to be Ambassador to the Oriental Republic of Uruguay, Betty E. King, of New York, to be Representative of the United States of America to the Office of the United Nations and Other International Organizations in Geneva, with the rank of Ambassador, Laura E. Kennedy, of New York, for the rank of Ambassador during her tenure of service as U.S. Representative to the Conference on Disarmament, Eileen Chamberlain Donahoe, for the rank of Ambassador during her tenure of service as the United States Representative to the UN Human Rights Council, all of the Department of State, and routine lists in the Foreign Service.

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: 30 public bills, H.R. 4217–4246; and 9 resolutions, H. Con. Res. 218–219; and H. Res. 950–954, 957–958 were introduced.

Additional Cosponsors:

Reports Filed: Reports were filed today as follows:
- H.R. 1319, to prevent the inadvertent disclosure of information on a computer through the use of certain “peer-to-peer” file sharing software without first providing notice and obtaining consent from the owner or authorized user of the computer, with amendments (H. Rept. 111–361);
- H.R. 2221, to protect consumers by requiring reasonable security policies and procedures to protect computerized data containing personal information, and to provide for nationwide notice in the event of a security breach, with amendments (H. Rept. 111–362);
- H.R. 512, to amend the Federal Election Campaign Act of 1971 to prohibit certain State election administration officials from actively participating in electoral campaigns, with an amendment (H. Rept. 111–363);
- H. Res. 955, providing for consideration of the bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions (H. Rept. 111–364); and
- H. Res. 956, providing for consideration of the bill (H.R. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, and to regulate the over-the-counter derivatives markets (H. Rept. 111–365);


Agreed to the Latham motion to instruct conferees on the bill by a yea-and-nay vote of 212 yeas to 193 nays, Roll No. 931.

The Chair appointed the following conferees: Representatives Olver, Pastor (AZ), Kaptur, Price (NC), Roybal-Allard, Berry, Kilpatrick (MI), Lowey, Obey, Latham, Wolf, Tiahrt, Wamp, and Lewis (CA).

Suspensions: The House agreed to suspend the rules and pass the following measures:

- **Directing the President to transmit to Congress a report on anti-American incitement to violence in the Middle East:** H.R. 2278, amended, to direct the President to transmit to Congress a report on anti-American incitement to violence in the Middle East, by a 2⁄3 yea-and-nay vote of 395 yeas to 3 nays with 9 voting “present”, Roll No. 936;


- Encouraging the Republic of Hungary to respect the rule of law, treat foreign investors fairly, and promote a free and independent press: H. Res. 915, to encourage the Republic of Hungary to respect the rule of law, treat foreign investors fairly, and promote a free and independent press, by a 2⁄3 yea-and-nay vote of 333 yeas to 74 nays with 3 voting “present”, Roll No. 937;

- Expressing the sense of Congress for and solidarity with the people of El Salvador as they persevere through the aftermath of torrential rains which caused devastating flooding and deadly mudslides: H. Con. Res. 213, amended, to express the sense of Congress for and solidarity with the people of El Salvador as they persevere through the aftermath of torrential rains which caused devastating flooding and deadly mudslides;
Expressing sympathy for the 57 civilians who were killed in the southern Philippines on November 23, 2009: H. Con. Res. 218, to express sympathy for the 57 civilians who were killed in the southern Philippines on November 23, 2009;
Pages H13568–70

FBI Families of Fallen Heroes Act: H.R. 2711, amended, to amend title 5, United States Code, to provide for the transportation of the dependents, remains, and effects of certain Federal employees who die while performing official duties or as a result of the performance of official duties;
Pages H13576–78

Recognizing the Grand Concourse on its 100th anniversary as the preeminent thoroughfare in the borough of the Bronx and an important nexus of commerce and culture for the City of New York: H. Res. 907, to recognize the Grand Concourse on its 100th anniversary as the preeminent thoroughfare in the borough of the Bronx and an important nexus of commerce and culture for the City of New York, by a ⅔ yea-and-nay vote of 405 yeas with none voting “nay”, Roll No. 938;
Pages H13578–79, H13599–H13600

Extending through December 31, 2010, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits: H.R. 4165, to extend through December 31, 2010, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits;
Pages H13579–81

Amending the Water Resources Development Act of 1992 to modify an environmental infrastructure project for Big Bear Lake, California: H.R. 1854, to amend the Water Resources Development Act of 1992 to modify an environmental infrastructure project for Big Bear Lake, California;
Pages H13581–82

Authorizing the Board of Regents of the Smithsonian Institution to plan, design, and construct a vehicle maintenance building at the vehicle maintenance branch of the Smithsonian Institution located in Suitland, Maryland: H.R. 3224, to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct a vehicle maintenance building at the vehicle maintenance branch of the Smithsonian Institution located in Suitland, Maryland;
Page H13582

Data Accountability and Trust Act: H.R. 2221, amended, to protect consumers by requiring reasonable security policies and procedures to protect computerized data containing personal information, and to provide for nationwide notice in the event of a security breach;
Pages H13586–91

Agreed to amend the title so as to read: “To protect consumers by requiring reasonable security policies and procedures to protect data containing personal information, and to provide for nationwide notice in the event of a security breach.”.
Page H13591

Informed P2P User Act: H.R. 1319, amended, to prevent the inadvertent disclosure of information on a computer through the use of certain “peer-to-peer” file sharing software without first providing notice and obtaining consent from the owner or authorized user of the computer;
Pages H13591–94

Agreed to amend the title so as to read: “To prevent the inadvertent disclosure of information on a computer through the use of certain “peer-to-peer” file sharing programs without first providing notice and obtaining consent from an owner or authorized user of the computer.”.
Page H13594

Fiscal Year 2010 Federal Aviation Administration Extension Act, Part II: H.R. 4217, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund and to amend title 49, United States Code, to extend authorizations for the airport improvement program; and
Pages H13594–96

No Social Security Benefits for Prisoners Act of 2009: H.R. 4218, to amend titles II and XVI of the Social Security Act to prohibit retroactive payments to individuals during periods for which such individuals are prisoners, fugitive felons, or probation or parole violators.
Pages H13596–97

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measures which were debated on Monday, December 7th:

Recognizing the 10th Anniversary of the activation of Echo Company of the 100th Battalion of the 442d Infantry, and the sacrifice of the soldiers and families in support of the United States: H. Con. Res. 199, amended, to recognize the 10th Anniversary of the activation of Echo Company of the 100th Battalion of the 442d Infantry, and the sacrifice of the soldiers and families in support of the United States, by a ⅔ yea-and-nay vote of 400 yeas with none voting “nay”, Roll No. 932;
Pages H13570–71

Agreed to amend the title so as to read: “Recognizing the 10th Anniversary of the redesignation of Company E, 100th Battalion, 442d Infantry Regiment of the United States Army and the sacrifice of the soldiers of Company E and their families in support of the United States.”.
Page H13571

Commending the soldiers and civilian personnel stationed at Fort Gordon and their families for their service and dedication to the United States:
H. Con. Res. 206, amended, to commend the soldiers and civilian personnel stationed at Fort Gordon and their families for their service and dedication to the United States and to recognize the contributions of Fort Gordon to Operation Iraqi Freedom and Operation Enduring Freedom and its role as a pivotal communications training installation, by a 2/3 ye-and-nay vote of 404 yeas with none voting "nay," Roll No. 933; and

Recognizing and honoring the National Guard on the occasion of its 373rd anniversary: H. Res. 940, to recognize and honor the National Guard on the occasion of its 373rd anniversary, by a 2/3 ye-and-nay vote of 401 yeas with none voting "nay", Roll No. 934; and


Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

Roy Rondeno, Sr. Post Office Building Designation Act: H.R. 3951, to designate the facility of the United States Postal Service located at 2000 Louisiana Avenue in New Orleans, Louisiana, as the “Roy Rondeno, Sr. Post Office Building”;

Ann Marie Blute Post Office Designation Act: H.R. 4017, to designate the facility of the United States Postal Service located at 43 Maple Avenue in Shrewsbury, Massachusetts, as the “Ann Marie Blute Post Office”;

Expressing the sense of the House of Representatives that Congress should provide increased Federal funding for continued type 1 diabetes research: H. Res. 35, to express the sense of the House of Representatives that Congress should provide increased Federal funding for continued type 1 diabetes research; and

Expressing support for the designation of a National Prader-Willi Syndrome Awareness Month to raise awareness of and promote research into this challenging disorder: H. Res. 55, to express support for the designation of a National Prader-Willi Syndrome Awareness Month to raise awareness of and promote research into this challenging disorder.

Quorum Calls—Votes: Eight ye-and-nay votes developed during the proceedings of today and appear on pages H13570, H13571, H13571–72, H13572–73, H13597–98, H13598, H13599 and H13599–H13600. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 11:24 p.m.

Committee Meetings

AFGHANISTAN STRATEGIC REVIEW
Committee on Armed Services: Continued hearings on Afghanistan: The Results of the Strategic Review, Part II. Testimony was heard from GEN Stanley McChrystal, USA, Commander, International Security Assistance Force (ISAF), and Commander, U.S. Forces Afghanistan (USFOR—A), Department of Defense; and Ambassador Karl W. Eikenberry, U.S. Ambassador to Afghanistan, Department of State.

U.S. EDUCATION STANDARDS
Committee on Education and Labor: Held a hearing on Improving Our Competitiveness: Common Core Education Standards. Testimony was heard from Bill Ritter, Jr., Governor, State of Colorado; and public witnesses.

PRESCRIPTION DRUG PRICE INFLATION
Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled “Prescription Drug Price Inflation: Are Prices Rising Too Fast?” Testimony was heard from public witnesses.

PRIVATE/GOVERNMENT FORECLOSURE CRISIS RESPONSE
Committee on Financial Services: Held a hearing entitled “The Private Sector and Government Response to the Mortgage Foreclosure Crisis.” Testimony was heard from the following officials of the Department of the Treasury: Herbert M. Allison, Jr., Assistant Secretary, Financial Stability; and Douglas W. Roeber, Senior Deputy Comptroller Large Bank Supervision, Office of the Comptroller of the Currency; Michael H. Krimminger, Special Advisor, Policy, Office of the Chairman, FDIC; and public witnesses.

JUDGE PORTEOUS IMPEACHMENT
Committee on the Judiciary: Task Force on Judicial Impeachment continued possible Impeachment of United States District Judge G. Thomas Porteous, Jr., Part II. Testimony was heard from DeWayne Horner, Special Agent, FBI, New Orleans, Louisiana, Department of Justice; Alan Baron, Special Impeachment Counsel, Committee on the Judiciary; and public witnesses.

Will continue December 10.
DEATH PENALTY APPEALS—HABEAS CORPUS LIMITATIONS

Committee on the Judiciary: Subcommittee on the Constitution, Civil Rights and Civil Liberties held a hearing on the Impact of Federal Habeas Corpus Limitations on Death Penalty Appeals. Testimony was heard from Michael E. O’Hare, Supervisory Assistant State’s Attorney, Civil Litigation Bureau, Office of the Chief State’s Attorney, State of Connecticut; Gerald Kogan, Chief Justice (ret.), Supreme Court, State of Florida; and public witnesses.

TAX EXTENDERS ACT OF 2009

Committee on Rules: Granted, by a non-record vote, a closed rule. The rule provides one hour of general debate on H.R. 4213, the Tax Extenders Act of 2009, equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The rule provides that the bill shall be considered as read. The rule waives all points of order against the bill. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard by Representatives Neal, Brady (TX), and Cao.

THE WALL STREET REFORM AND CONSUMER PROTECTION ACT OF 2009

Committee on Rules: Granted, by a non-record vote, a rule. The rule provides three hours of general debate on H.R. 4173, the Wall Street Reform and Consumer Protection Act of 2009, with two hours to be equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services, 30 minutes to be equally divided and controlled by the chair and ranking minority member of the Committee on Agriculture, and 30 minutes to be equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI.

The rule provides that the amendment printed in the report of the Committee on Rules shall be considered as adopted in the House and in the Committee of the Whole. The rule provides that the Committee of the Whole shall rise without motion after general debate and that no further consideration of the bill shall occur except pursuant to a subsequent order of the House. The rule also provides that the Chair of the Committee of the Whole may entertain a motion that the Committee rise only if offered by the chair of the Committee on Financial Services or his designee. Testimony was heard by Chairman Frank (MA), and Representatives Rush, and Bachus.

PUBLIC TRANSIT SAFETY

Committee on Transportation and Infrastructure: Subcommittee on Highways and Transit held a hearing on Public Transit Safety: Examining the Federal Role. Testimony was heard from the following officials of the Department of Transportation: Ray LaHood, Secretary; and Peter Rogoff, Administrator, Federal Transit Administration; Katherine A. Siggerud, Managing Director, Physical Infrastructure, GAO; Robert J. Chipkevich, Director, Office of Railroad, Pipeline, and Hazardous Materials Investigations, National Transportation Safety Board; Richard W. Clark, Director, Consumer Protection and Safety Division, Public Utilities Commission, State of California; and a public witness.

BRIEFING—NSA UPDATE

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on NSA Update. The Committee was briefed by departmental witnesses.

Joint Meetings

DEPARTMENTS OF TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT

Conferences agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010.

COMMITTEE MEETINGS FOR WEDNESDAY, DECEMBER 9, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Economic Policy, to hold hearings to examine creating jobs in the recession, 2 p.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings to examine research parks and job creation, focusing on innovation through cooperation, 2:30 p.m., SR–253.

Committee on Finance: Subcommittee on International Trade, Customs, and Global Competitiveness, to hold hearings to examine exports’ place on the path of economic recovery, 2:30 p.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine the new Afghanistan strategy, focusing on the view from the ground, 10 a.m., SD–419.
Full Committee, to receive a briefing on Afghanistan, focusing on a report from the field, 1 p.m., SVC–217.

Subcommittee on European Affairs, to hold hearings to examine strengthening the transatlantic economy, 2:30 p.m., SD–419.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine five years after the Intelligence Reform and Terrorism Prevention Act, focusing on stopping terrorist travel, 9:30 a.m., SD–342.

Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine the diplomat’s shield, focusing on diplomatic security today, 2:30 p.m., SD–342.

Committee on Indian Affairs: to hold hearings to examine S. 1690, to amend the Act of March 1, 1933, to transfer certain authority and resources to the Utah Dineh Corporation; to be immediately followed by an oversight hearing to examine Department of the Interior backlogs, 9:15 a.m., SD–628.

Committee on the Judiciary: to hold an oversight hearing to examine the nominations of Robert A. Petzel, of Minnesota, to be Under Secretary for Health, and Raul Perea-Henze, of New York, to be Assistant Secretary for Policy and Planning, both of the Department of Veterans Affairs, 9:30 a.m., SR–418.

House

Committee on Agriculture, Subcommittee on Conservation, Credit, Energy, and Research, hearing to review the regulatory and legislative strategies in the Chesapeake Bay watershed, 10 a.m., 1300 Longworth.

Committee on the Budget, hearing on The Social Safety Net: Impact of the Recession and of the Recovery Act, 10 a.m., 210 Cannon.


Committee on Foreign Affairs, Subcommittee on Terrorism, Nonproliferation, and Trade, hearing on A Strategic and Economic Review of Aerospace Exports, 2 p.m., 2200 Rayburn.

Subcommittee on the Western Hemisphere, hearing on New Direction or Old Path? Caribbean Basin Security Initiative (CBSI), 2 p.m., 2172 Rayburn.

Committee on Homeland Security, to consider the following: H. Res. 922, Directing the Secretary of Homeland Security to transmit to the House of Representatives all information in the possession of the Department of Homeland Security relating to the Department’s planning, information sharing, and coordination with any state of locality receiving detainees held at Naval Station, Guantanamo Bay, Cuba on or after January 20, 2009; Committee Resolution 3, Authorizing the issuance of a subpoena ad testificandum, for Mr. Tareq Salahi; and Committee Resolution 4, authorizing the issuance of a subpoena ad testificandum for Mrs. Michaele Salahi, 2 p.m., 311 Cannon.

Committee on the Judiciary, markup the following legislation: H. Res. 920, Directing the Attorney General to transmit to the House of Representatives all information in the Attorney General’s possession regarding certain matters pertaining to detainees held at Naval Station, Guantanamo Bay, Cuba who are transferred into the United States; H.R. 3190, Discount Pricing Consumer Protection Act of 2009; and H.R. 569, Equal Justice for Our Military Act of 2009, 10 a.m., 2141 Rayburn.


Subcommittee on National Security and Foreign Affairs, hearing entitled “U.S. Aid to Pakistan: Planning and Accountability,” 10 a.m., 2154 Rayburn.

Committee on Rules, to continue consideration of H.R. 4173, Wall Street Reform and Consumer Protection Act of 2009. 3 p.m., H–313 Capitol.

Committee on Transportation and Infrastructure, Subcommittee on Coast Guard and Maritime Transportation, hearing on Maritime Domain Awareness, 2 p.m., 2167 Rayburn.

Subcommittee on Water Resources and Environment, hearing on the One Year Anniversary of the Tennessee Valley Authority’s Kingston Ash Slide: Evaluating Current Cleanup Progress and Assessing Future Environmental Goals, 10 a.m., 2167 Rayburn.

Permanent Select Committee on Intelligence, executive, briefing on Afghanistan/Pakistan Update, 11 a.m., 304–HVC.
Next Meeting of the SENATE
9:30 a.m., Wednesday, December 9

Senate Chamber
Program for Wednesday: Senate will continue consideration of H.R. 3590, Service Members Home Ownership Tax Act, with roll call votes possible throughout the day.

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Wednesday, December 9

House Chamber
Program for Wednesday: Consideration of H.R. 4213—Tax Extenders Act of 2009 (Subject to a Rule). Begin Consideration of H.R. 4173—Wall Street Reform and Consumer Protection Act (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

- Baldwin, Tammy, Wisc., E2911, E2915
- Bishop, Sanford D., Jr., Ga., E2908
- Blumenauer, Earl, Ore., E2912
- Brown-Waite, Ginny, Fla., E2903, E2906
- Burgess, Michael C., Tex., E2903, E2904
- Buyer, Steve, Ind., E2901, E2906
- Coffman, Mike, Colo., E2813
- Davis, Danny K., Ill., E2916, E2917
- Gingrey, Phil, Ga., E2908
- Hare, Phil, Ill., E2914
- Hoyer, Steny H., Md., E2914
- Johnson, Eddie Bernice, Tex., E2914
- Johnson, Timothy V., Ill., E2913
- Kingston, Jack, Ga., E2905, E2907
- Kratovil, Frank, Jr., Ill., E2913
- Larsen, Rick, Wash., E2905
- Luethke, Blaine, Mo., E2905
- McMahon, Michael E., N.Y., E2916
- McMorris Rodgers, Cathy, Wash., E2911
- Maloney, Carolyn B., N.Y., E2912
- Marchant, Kenny, Tex., E2905
- Mica, John L., Fla., E2909
- Moran, Jerry, Kans., E2913
- Ortiz, Solomon P., Tex., E2906
- Owens, William L., N.Y., E2907
- Paulsen, Erik, Minn., E2906
- Poe, Ted, Tex., E2905
- Radanovich, George, Calif., E2893, E2904, E2907, E2915
- Rogers, Mike, Ala., E2893, E2906, E2915
- Rose, Mike, Ark., E2908
- Rush, Bobby L., Ill., E2916
- Sánchez, Linda T., Calif., E2906
- Skelton, Ike, Mo., E2909
- Space, Zachary T., Ohio, E2904
- Speier, Jackie, Calif., E2915, E2916, E2917, E2917
- Tanner, John S., Tenn., E2904
- Tonko, Paul, N.Y., E2911
- Wexler, Robert, Fla., E2912

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